

CITY OF ELKO
PLANNING COMMISSION
SPECIAL MEETING MINUTES
5:30 P.M., P.D.S.T., MONDAY, JULY 9, 2018
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

NOTE: The order of the minutes reflects the order business was conducted.

CALL TO ORDER

David Freistroffer, Chairman of the City of Elko Planning Commission, called the meeting to order at 5:47 p.m.

ROLL CALL

Present: David Freistroffer
Evi Buell
Jeff Dalling
Tera Hooiman

Excused: Ian Montgomery
John Anderson
Stefan Beck

City Staff: Curtis Calder, City Manager
Scott Wilkinson, Assistant City 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

June 5, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion:** Table the minutes to the next meeting.

Moved by Jeff Dalling, Seconded by Evi Buell.

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

I. UNFINISHED 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 Jennings Way, approximately 120' north of Courtney Drive. (APN 001-01H-001).

Cathy Laughlin, City Planner, went through the City of Elko Staff Report dated June 27, 2018. Staff recommended approval subject to the conditions and findings listed in the Staff Report.

Bob Thibault, Civil Engineer, recommended approval of the Preliminary Plat as presented. He explained that he had one condition, which was listed in the Staff Report.

John Holmes, Fire Marshal, recommended approval as presented.

Curtis Calder, City Manager, recommended approval.

Chairman David Freistroffer had a question on the containment, or flow reducing devices. He asked if it was a seal containment system that would let the flow out gradually. He asked what types of devices could work for that type of situation.

Mr. Thibault explained that the City would be looking for something that would let the flow out gradually.

Chairman Freistroffer asked if it needed to be sealed, so it wouldn't infiltrate.

Mr. Thibault said that was correct. He explained that an example would be a large pipe underground with a smaller pipe outlet. The Engineer may have other thoughts. There are systems that can function and reduce peak flow and not infiltrate.

*****Motion: Forward a recommendation to City Council to conditionally approve Preliminary Plat No. 7-18 subject to the conditions found in the City of Elko Staff Report dated June 27, 2018, listed as follows:**

Planning Department:

1. The Preliminary Plat is to be revised showing the Jennings Way right-of-way to be vacated rather than "straightened".
2. The Preliminary Plat is to be revised, prior to Council consideration of the preliminary plat, to include the relevant information such as parcel map identification or name, book and page is not shown for abutting or across the street properties.
3. City Council approval of the proposed Jennings Way right-of-way vacation is required prior to City Council approval of the preliminary plat.
4. Preliminary Plat approval of the preliminary constitutes authorization for the sub-

- divider to proceed with preparation of the final plat and associated engineering plans.
5. Preliminary Plat approval does not constitute authorization to proceed with site improvements prior to approval of the engineering plans by the City and the State.

Engineering Department:

1. Total post-construction peak runoff from the site should not exceed pre-construction peak runoff. Infiltration is not recommended due to complaints of ground water seepage in this area. Consider other types of flow reducing devices.

Development Department:

1. The applicant submits an application for Final Plat within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the Preliminary Plat will automatically lapse at that time.
2. A soils report is required with Final Plat submittal.
3. Final Plat civil improvements are to comply with Chapter 3-3 of City code.
4. The subdivision shall comply with Chapter 9-8 of City code.
5. The Utility Department will issue an Intent to Serve Letter.
6. A note shall be added to the **final plat** restricting the access for lots 1, 16, 17, 18, 19, and 20 to be limited to Eagle Ridge Loop. Driveway access for lot 20 shall be restricted to the east property line, or the front yard as defined by Elko City Code 3-3-2.

Commissioner Dalling's findings to support his recommendation was that the proposed subdivision and development is in general conformance with the Land Use Component of the Master Plan. The proposed subdivision and development is in conformance with the Transportation Component of the Master Plan. The proposed subdivision and development does not conflict with the Airport Master Plan. The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012. The property is not located within the Redevelopment Area. The proposed subdivision and development are in conformance with the Wellhead Protection Program. The sanitary sewer will be connected to a programmed sewer system and all street drainage will report to a storm sewer system. The proposed subdivision and development have been designed in accordance with the existing zoning. A zoning amendment is not required. The proposed subdivision is in conformance with Section 3-3-5(A) of City Code. In accordance with Section 3-3-5(E)(2) the proposed subdivision and development will not result in under water or air pollution based on the following: The area is not located within a designated flood zone. Potential for water damage from concentrated storm water runoff has been addressed as shown on the grading plan. The proposed subdivision and development will be connected to the City's programmed sanitary sewer system, therefore the ability of soils to support waste disposal does not require evaluation prior to preliminary plat approval. Extensive grading is proposed, minimizing the slopes area and possible negative effects on effluent discharged from the area. No long term issues associated with erosion are anticipated. There is adequate capacity at the Water Reclamation Facility to support the proposed subdivision and development. There are no obvious considerations are concerns, which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations. There is adequate capacity within the City's water supply to accommodate the proposed subdivision. The proposed subdivision and development is not expected to result in

unreasonable erosion or reduction in the water holding capacity of the land, thereby creating a dangerous or unhealthy condition. The proposed subdivision and development will not create an unreasonable burden on the existing water supply. The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets. The proposed subdivision and development is in conformance with applicable zoning ordinances and is in general conformance with the Master Plan based on the constraints of establishing reasonable grades for roadways, lot grading, and slope maintenance. Utilities are available in the immediate area and can be extended for the proposed development. Schools, Fire and Police, and Recreational Services are available throughout the community. The proposed subdivision submittal is in conformance with Section 3-3-7 of City Code with the following exception: Existing Conditions Data (C)(5). The proposed subdivision is in general conformance with Section 3-3-20 of City Code. The proposed subdivision is in conformance with Section 3-3-21 of City Code. The proposed subdivision is in conformance with Section 3-3-22 and 3-3-23 of City Code. The proposed subdivision is in conformance with Section 3-3-24 of City Code with the approval of Lots 1 and 16 through 20 as double front lots abutting an arterial and access restricted to Eagle Ridge Loop. The proposed subdivision is in conformance with Section 3-3-25 and 3-3-26 of City Code. The proposed subdivision and development is in conformance with Section 3-2-3 and 3-2-4 of City Code. The proposed subdivision and development is in conformance with Section 3-2-5(B)(2). Conformance with Section 3-2-5(B) is required as the subdivision develops. The proposed subdivision and development is in conformance with Section 3-2-5(G) of City Code. The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops. The proposed subdivision and development is in conformance with Section 3-2-28 of City Code. The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with Section 3-8 of City Code. The proposed subdivision, with approval of Vacation 1-18, is in conformance with Section 8-7 of City Code.

Moved by Jeff Dalling, Seconded by Evi Buell.

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

II. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Variance No. 5-18, filed by Golden Gate Petroleum of Nevada, LLC, to allow for a second freestanding sign on the parcel, for an increase in allowable sign area from 200 sq. ft. to 678.5 sq. ft. and the allowed sign height from 45' to 60', within an C -General Commercial Zoning District, (APN 001-679-011), and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of West Idaho Street, approximately 742 feet east of I-80, Exit 298. (3600 W. Idaho Street - APN 001-679-011)

Tom Weatherby, YESCO, explained that they have worked with Golden Gate Petroleum for 10 years on all of their projects. Golden Gate started with Mr. Weatherby in Lovelock when they moved to Nevada. He showed an image of that location's sign, which is 100 ft. They had typical building signage. He then showed a photo of the Carson City location. At that location they had to go through the special use process to get a freeway sign. The proposed location for Elko will be on Idaho Street just before Exit 298. The property has an Idaho Street entrance, but it also has a freeway presence. The proposed sign was going to be on top of a hill originally, but it was cost prohibitive. The FAA approved the previous location. The FAA approved the same sign at the current proposed location. The building is currently under construction. They have several other signs on the property, which have already been permitted. Mr. Weatherby explained the other signs. They need a variance because the City Code doesn't acknowledge I-80 as a street frontage, so to get two freestanding signs you have to have two street frontages. They were asking that the Planning Commission consider the freeway as a street frontage and give them a secondary freestanding sign. They are also asking to allow an addition 15 ft. over the 45 ft. height that is allowed in the Code, in order to see it from the freeway in time to make a safe exit. The Code allows 2 sq. ft. per 1 ft. of building frontage. They have a very large parcel with a small building. The building is only 100 ft. across the front. He explained that there was a science for determining the size of the sign they needed. Sinclair requires a 176 sq. ft. logo sign on the top. The gas price is 89". There are also some advertising signs below for a casino and a Port of Subs restaurant. They went out to site and did a "Flagging", which is hanging a flag from a boom truck at the proposed location for the sign. Coming from the west the sign is almost completely visible, but coming from the east the only portion of the sign that is visible is the Sinclair on the top. Originally Sinclair was not agreeable to having the gas prices beside their logo, but once they saw the rendering they agreed to have the prices beside their logo. The sign would still be the same height, but allowing for the prices to be next to the logo would allow the prices to be seen from the east. He then gave a brief overview of his presentation.

Chairman Freistroffer thought they were only approving the variance for the size of the sign, not the design.

Ms. Laughlin explained that the variance would be for the size, the height, and the second sign on the parcel. She also expressed that the Planning Commission would have to modify the staff recommended condition, which states that conformance to plans approved as part of the variance.

Scott Wilkinson, Assistant City Manager, asked if the square footage would be the same.

Mr. Weatherby stated yes, that they would be using exactly the same signs in a different configuration.

Ms. Laughlin went through the City of Elko Staff Report dated June 28, 2018. One of the key elements is that the property is so much lower than the freeway. The 60 foot sign is 33 feet higher than the east bound lane and 30 feet higher than the west bound lane. There are nine billboards in the vicinity and they are all 35 to 45 feet tall. This sign will not be taller than any of the billboards in the vicinity. Staff recommended conditional approval subject to the conditions and findings listed in the Staff Report.

Mr. Thibault recommended approval as presented.

Mr. Holmes recommended approval.

Mr. Calder recommended approval. He noted that Condition No. 2 from the Staff Report was not necessary, since the June 22nd FAA study did not address the approach or departure procedures.

Ms. Laughlin explained that that condition was removed prior to the report going into the agenda packet.

Mr. Weatherby thanked staff for all the work they did.

Chairman Freistroffer thought with all variances it was important to make sure that they were adhering to the application standards. He thought those standards were being upheld in this case. There was a special condition regarding the topography. The first location was prohibitive. Those are special conditions that don't generally apply to other properties in the vicinity or zone. He thought that if the Commission approved the variance it was based on a special condition that this property has.

Commissioner Evi Buell thought it was a reasonable accommodation for the use of the land.

Commissioner Jeff Dalling said he was looking at the FAA approval and it didn't look like it was going to do anything to the GPS approach to Runway 6.

*****Motion: Conditionally approve Variance No. 5-18 based on facts, findings, and conditions as presented in the City of Elko Staff Report dated June 28, 2018.**

Moved by Evi Buell, None seconded.

Mr. Wilkinson suggested they change Condition No. 3 to "as approved by staff," which would give Ms. Laughlin the flexibility to work with the applicant.

*****Motion: Modified the motion to conditionally approve Variance No. 5-18 subject to the conditions in the City of Elko Staff Report dated June 28, 2018, with a modification to Condition No. 3, listed as follows:**

Planning Department:

1. Commencement within one year and completion within eighteen (18) months.
2. A sign permit is required for the work.
3. Conformance to plans as approved by staff as a part of the variance.
4. Subject to review in two (2) years if determined necessary by the Planning Commission.

Commissioner Buell's findings to support her recommendation was that the proposed sign, with variance approval is in conformance with the Land Use Component of the Master Plan. The proposed sign, with variance approval, is in conformance with the City of Elko Airport Master Plan. The property is no located within the Redevelopment Area. There are no signage regulations stipulated in Section 3-2-10 of the City Code. In accordance with Section 3-2-22, the applicant has demonstrated that the canopy for the gas pumps can't be

considered in the allowable square footage calculation and therefore requiring a variance for the allowable size of sign. In accordance with Section 3-2-22, the applicant has demonstrated that the visibility from eastbound and westbound I-80 traffic with distance required prior to exit is an important consideration for the business. The lower elevation of the store makes it difficult for visibility from I-80. In accordance with Section 3-2-22, the adjacent parcel fronting West Idaho Street is undeveloped and the cited conditions therefore do not generally apply to other properties in the area. Granting of the variance will not result in material damage or prejudice to other properties in the vicinity. This finding is based on the zoning of the adjacent properties, as well as distance separation due to large parcels. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. The proposed signage will not result in distractions and obstructions that may adversely affect or conflict with traffic control signs, signals, and other traffic control devices. In addition, granting of the variance will not result in visual clutter along streets and roadways and will provide each sign user an opportunity for effective identification and advertising by addressing the quantity, height and area of freestanding signs on all sites. Granting of the variance will not impair natural resources, nor be detrimental to the public health, safety, and general welfare.

Moved by Evi Buell, Seconded by Tera Hooiman.

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

2. Review, consideration, and possible recommendation to City Council for Rezone No. 5-18, filed by High Desert Engineering, on behalf of Elko County, HCPI/UTAH, LLC, and Veterans of Foreign Wars, for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi-Public), approximately 2.797 acres of property, and matters related thereto. **FOR POSSIBLE ACTION**

The subject properties are located generally on the northeast side of 14th Street between Cedar Street and College Avenue. (APNs 001-200-004, 001-200-005, 001-200-001).

Bob Morley, High Desert Engineering, 640 Idaho Street, explained that he was representing the County, HCPI, and the VFW. The property is located where the old clinic building, the surgical center, and the VFW Hall is. Staff was contacted about improvements to the VFW and the Clinic, during the review staff decided that the Zoning was improper for the use of the buildings that are on the property, being Residential rather than PQP. Staff suggested that the proper zoning would be PQP. As required with a rezone a survey was conducted and a site plan prepared that shows the locations of the buildings on the property. If the rezone for PQP is approved it raises some other issues with that zoning that pertains to the location of the buildings on the property. Those items follow in the agenda directly after this item, which are some variances for setback issues, and occupancy of the right-of-ways. What they are trying to do is rezone the property to the proper zoning for the use and the variance and revocable permits be granted to have the properties, as they exist now, be conforming.

Ms. Laughlin thought Mr. Morley summed it up really well. It all started with VFW wanting to expand their sign, because YESCO gave them a reader board to add to their sign. With the

property zoned residential signs are not allowed. It remains as it is today as a legal non-conforming use, but any expansion upon the sign would have had to be denied. She then went over the City of Elko Staff Report dated June 5, 2018. Staff recommended conditional approval subject to the conditions and findings in the Staff Report.

Chairman Freistroffer asked what the Commission was considering for the accessory structures.

Ms. Laughlin explained that on the VFW parcel there are two accessory structures, a shed and an awning. Under the PQP Zoning District accessory structures do not have setback requirements, but the location of them must be approved by the Planning Commission.

Mr. Thibault recommended approval as presented.

Mr. Holmes recommended approval.

Mr. Calder had no comments or concerns on this item.

Chairman Freistroffer explained that they needed to include, in the motion, that they approve the current location of the accessory structures if they agree with that.

*****Motion: Approve the location of the existing accessory structures as shown on the site plan for VFW parcel APN 001-200-001 and forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 5-18, subject to the conditions listed in the City of Elko Staff Report dated June 5, 2018, listed as follows:**

Development Department:

1. A parcel map be recorded modifying the boundary of parcels 001-200-004 and -005 to follow the building walls and keep each building on their own properties so portions of the building do not cross a property line.
2. The Planning Commission consider the location of all accessory structures per ECC 3-2-8

Planning Department:

1. Variance applications 6-18, 7-18 and 8-18 are approved and all the conditions are satisfied.
2. VFW parcel APN 001-200-001 be approved a revocable permit to occupy the right-of-way and enter into a license agreement with the City of Elko.
3. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property

Commissioner Buell's findings to support her motion was that the proposed rezone is in conformance with the Master Plan Land Use Component. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure. The properties are not located in the Redevelopment Area. The proposed zone district is consistent with City of Elko Wellhead Protection Plan. The proposed zone district is in conformance with City Code 3-2-4(B). The proposed zone district is in conformance with Section 3-2-8 PQP – Public, Quasi-Public District with the approval of the variance applications. Existing Development meets the requirements under 3-2-17, or will be considered a legal non-conforming use. The proposed zone district is

consistent with surrounding land uses. Development under the proposed zone district 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.

Moved by Evi Buell, Seconded by Jeff Dalling.

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

3. Review, consideration, and possible action on Variance No. 6-18, filed by Veterans of Foreign Wars for a reduction of the required setback from any street line; VFW Drive street line 18' required to 1.3', College Avenue street line 19.5' required to 15.4', 14th St. street line 16.5' required to 2.7', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the west corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)

Ms. Laughlin went over the City of Elko Staff Report dated June 25, 2018. Staff recommended conditional approval subject to the conditions and findings in the Staff Report. The practical difficulty of this is directly related to the fact that the property is developed as an improperly zoned use.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval

Mr. Calder recommended approval.

Commissioner Dalling disclosed that he was a member of VFW, but he didn't think that would affect decision.

Chairman Freistroffer thought the special circumstances and the hardship were being met, and the other of the six points that needed to be met as well.

*****Motion: Conditionally approve Variance No. 6-18 subject to the condition in the City of Elko Staff Report dated June 25, 2018, listed as follows:**

1. **Approval of rezone application 5-18.**

Commissioner Buell's findings to support her recommendation was that the proposed variance approval is in conformance with the Land Use component of the Master Plan. The property is not located within the Redevelopment Area and consideration of the plan is not required. Approval of Variance 6-18, in conjunction with approval of Rezone 5-18, will bring the property into conformance with Section 3-2-8 of City Code. The special circumstance is directly related to the property being improperly zoned for the developed use of the property. The exceptional practical difficulty is directly related to the fact the property is improperly zoned for the existing use of the property and the variance is

required to legally rezone the property and address the required setbacks stipulated in the proposed zone. The special circumstance of a fully developed property with several legal non-conforming issues, including the use of the property as a Public/Quasi-Public use is limited in extent in the district. This circumstance does not generally apply to other properties in the district. The identified issue is restricted to a small number of properties within the civic center area of the community. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with several legal non-conforming issues, including the use of the property as a Public/Quasi-Public use. The applicant is not seeking the variance to develop or expand the use of the property. The granting of the variance is directly related to an improperly zoned property and will not impair the intent or purpose of the zonings, and will not change the use of the land or zoning classification. The property is fully developed with several legal non-conforming issues, including the use of the property as a Public/Quasi-Public use and the granting of the variance will not impair natural resources.

Moved by Evi Buell, Seconded by Tera Hooiman.

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

4. Review, consideration, and possible action on Variance No. 7-18, filed by HCPI/UTAH, LLC for a reduction of the required setback from any interior lot line, from 27' to 0' on the Northwest, 29' to 5.1' on the Northeast, 27' to 10.3' on the Southeast, 29' to 9.7' on the Southwest, and increase the maximum lot coverage from 35% to 73% within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the west side of Golf Course Drive, approximately 205' south of Cedar Street. (855 Golf Course Drive - APN 001-200-005)

Ms. Laughlin explained that the agenda item was correct, but the legal notifications that went out for this item were incorrect due to the calculation of the setbacks. Staff was originally calculating the frontages as street line setbacks within the PQP. Reading through definitions better, because of the unique situation, all should be analyzed as interior side yard setbacks. Staff would like this item to be tabled until next month.

*****Motion: Table Variance No. 7-18.**

Moved by Evi Buell, Seconded by Tera Hooiman.

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

5. Review, consideration, and possible action on Variance No. 8-18, filed by Elko County, for a reduction of the required interior side setback from 43' to 0' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change from

R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast corner of the intersection of Cedar Street and 14th Street. (762 14th Street - APN 001-200-004)

Ms. Laughlin went over City of Elko Staff Report dated June 25, 2018. Staff recommended conditional approval with the conditions and findings listed in the Staff Report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval.

Mr. Calder recommended approval.

Commissioner Buell thought this met the unique circumstances element of the variance that is needed.

*****Motion: Conditionally approve Variance No. 8-18 subject to the conditions in the City of Elko Staff Report dated June 25, 2018, listed as follows:**

- 1. Approval of rezone application 5-18.**
- 2. Parcel map 3-18 is to be approved, recorded and all related conditions satisfied.**

Commissioner Buell's findings to support her recommendation was that the proposed variance approval is in conformance with the Land Use component of the Master Plan. The property is not located within the Redevelopment Area and consideration of the plan is not required. The property shares a common wall with the principal structure on Parcel 2, therefore cannot meet interior yard setback requirements. Approval of Variance 8-18, in conjunction with approval of Rezone 5-18, will bring the property into conformance with Section 3-2-8 of City Code. The special circumstance is directly related to the property being improperly zoned for the developed use of the property. The exceptional practical difficulty is directly related to the fact the property is improperly zoned for the existing use of the property and the variance is required to legally rezone the property and address the required setbacks stipulated in the proposed zone. The special circumstance of a fully developed property with several legal non-conforming issues, including the use of the property as a Public/Quasi-Public use is limited in the extent in the district. This circumstance does not generally apply to other properties in the district. The identified issue is restricted to a small number of properties within the civic center area of the community. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with several legal non-conforming issues, including the use of the property as a Public/Quasi-Public use. The applicant is not seeking the variance to develop or expand the use of the property. The granting of the variance is directly related to an improperly zoned 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 property is fully developed with several legal non-conforming issues, including the use of the property as Public/Quasi-Public use and the granting of the variance will not impair natural resources.

Moved by Evi Buell, Seconded by Tera Hooiman.

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

3. Review, consideration and possible recommendation to City Council for Revocable Permit No. 3-18, filed by Veterans of Foreign Wars to occupy a portion of VFW Drive and 14th Street right-of-way to accommodate on-street parking, and a portion of VFW Drive to accommodate an existing awning and sign, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)

Ms. Laughlin explained that the parking is currently considered a legal non-conforming use. Due to the width of the parking, width of the lot, and the building coverage there is no off-street parking on the parcel, or availability to add any off-street parking. There are currently eight parking spaces on 14th Street and eighteen parking spaces on VFW Drive. The ADA Parking and Accessible Route for the property is from 14th Street. With the survey a portion of the awning for the covered walkway that goes to the covered patio encroaches over the property line and into the right-of-way. Also one leg of the sign encroaches into the right-of-way. This Revocable Permit would allow them to use the parking, the sign, and the awning. She then continued to go over the City of Elko Staff Report dated June 22, 2018. Staff recommended approval subject to the conditions and findings in the Staff Report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval

Mr. Wilkinson recommended approval.

*****Motion: Forward a recommendation to City Council to approve Revocable Permit No. 3-18 for parking, existing awning, and sign in VFW Drive and 14th Street right-of-way subject to execution of a Standard License Agreement between the Applicant and the City of Elko subject to the conditions listed in the City of Elko Staff Report dated June 22, 2018, listed as follows:**

1. Approval of rezone application 5-18 is required.
2. Approval of variance application 6-18 is required.
3. A revocable license agreement between the applicant and the City of Elko is required.
4. The existing parking shall have the required number of ADA spaces.
5. A written legal description of the area is required. The legal description and an approved site plan are to be a part of the license agreement.

6. The applicant is responsible for maintenance of the occupied right-of-way to City standards. The maintenance includes striping of parking spaces. This condition will be incorporated into the license agreement.

Commissioner Buell's findings to support her recommendation was that the existing use of the property with possible approvals of rezone application 5-18 and variance application are in conformance with the Land Use Component of the Master Plan. The property is not located within the Redevelopment Area. Approval of Variance 6-18 is required for the property to be in conformance with Section 3-2-8 of City Code. Approval of Revocable Permit 3-18 is required for the property to be in conformance with Section 3-2-17 of City Code. Approval of Rezone 5-18 and Revocable Permit 3-18 is required for the property to be in conformance with Section 3-9 of City Code.

Moved by Evi Buell, Seconded by Jeff Dalling.

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

A. PUBLIC HEARING

6. Review, consideration, and possible recommendation to City Council for Rezone No. 6-18, filed by Elko West Properties, LLC, for a change in zoning from PC (Planned Commercial) to C (General Commercial), approximately 60.75 acres of property, to allow for multi-family development, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. (APN 001-770-004).

Ms. Laughlin explained that Staff received an email from the applicant that requested the item be tabled.

*****Motion: Table.**

Moved by Jeff Dalling, Seconded by Evi Buell.

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

7. Review, consideration, and possible action of Conditional Use Permit No. 4-18, filed by Elko West Properties, LLC, which would allow for development of an apartment complex and townhomes within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. (APN 001-770-004).

Ms. Laughlin explained that the applicant requested the item be tabled.

*****Motion: Table Conditional Use Permit No. 4-18.**

Moved by Evi Buell, Seconded by Tera Hooiman.

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible action on a transfer of Conditional Use Permit No. 3-03 to new property owner, filed by Melissa Duke on behalf of Sonora LLC., which would allow for a beauty salon within a RO- Residential Office Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The location of said property is generally on the west corner of the intersection of 7th Street and Pine Street. (685 Pine Street).

Ms. Laughlin went over the City of Elko Staff Report dated June 22, 2018. Staff recommended the Conditional Use Permit be transferred to Sonora, LLC with the conditions in previous Conditional Use Permit and the findings in the Staff Report.

Mr. Thibault recommended approval

Mr. Holmes explained that the property was inspected by the Building and Fire Departments. There are items that will need to be corrected. He recommended approval.

Mr. Calder explained that he had comments on the Flow Sheet. He was concerned with the CUP not being recorded. After talking with staff, they feel that it's ultimately ok. He asked if the new CUP would be recorded.

Ms. Laughlin said that City Staff would take care of that, because it wasn't a condition in the original CUP and no new conditions can be added.

*****Motion: Approve the transfer of Conditional Use Permit No. 3-03, subject to the conditions in the City of Elko Staff Report dated June 22, 2018, listed as follows:**

1. That Conditional Use Permit #3-03 is transferred allowing the continuation of an approved use as a beauty salon in an RO (Residential Office) zoning district as generally shown on site plan labeled Exhibit "A", subject to the following conditions:
2. The floor plan shall be limited to four service chairs.
3. The conditional use permit shall expire within one (1) year unless the approved use has been inaugurated.
4. That the beauty salon shall conform to all applicable building code and fire code requirements.

Commissioner Dalling's findings to support his recommendation was that the existing conditional use permit is consistent with the Land Use Component of the Master Plan. The existing conditional use permit meets Objective 2 and 4 of the Land Use Component of the Master Plan. The existing conditional use in 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 transfer of the Conditional Use Permit is in conformance with the Redevelopment Plan. The transfer of Conditional Use Permit is in conformance with the Wellhead Protection Plan. The transfer of the existing conditional use permit is in conformance with Section 3-2-3 of City Code. The existing conditional use permit is in conformance with Section 3-2-5(F)(3) of City Code. With the filing of the application, for the transfer from permittee to new owner, the applicant is in conformance with Section 3-2-18 of City Code. The property, as developed and with approved parking waiver 1-03, is in conformance with City Code 3-2-17.

Moved by Jeff Dalling, Seconded by Tera Hooiman.

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

2. Review, consideration, and possible recommendation to City Council for Vacation No. 1-18, filed by DDS Properties, LLC, for the vacation of a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area approximately 7,036 square feet, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east side of Jennings Way, approximately 150' north of Courtney Drive. (APN 001-01H-001)

Ms. Laughlin went through the City of Elko Staff Report dated June 20, 2018. Staff recommended forwarding a recommendation to City Council to adopt resolution that conditionally approves the proposed vacation with the conditions and findings listed in the Staff Report.

Mr. Thibault recommended approval

Mr. Holmes had no comments or concerns.

Mr. Calder recommended approval.

Chairman Freistroffer asked if the easement, mentioned in Condition 2, was in the right-of-way before and now it's out of the right-of-way because they vacated it, or if it was something additional.

Mr. Thibault explained that it is standard with any subdivision along all street frontages.

*****Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-18 subject to the conditions listed in the City of Elko Staff Report dated June 20, 2018, listed as follows:**

1. The applicant is responsible for all costs associated with the recordation of the vacation.
2. A 7.5' utility easement be recorded along the new right of way line for Jennings Way, this shall be included in the City Council's order vacating the right-of-way and shall be shown on the final plat.

3. Property Owner/Applicant shall sign an agreement with the City of Elko relinquishing of all rights associated with previous agreement between City of Elko and Wyatt and Melinda Chambers prior to recordation of the vacation.
4. The vacation shall be recorded independent and prior to preliminary plat approval.
5. 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.

Commissioner Buell's findings to support her recommendation were that the proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation is in conformance with the Land Use Component of the Master Plan. The proposed vacation is in conformance with the Transportation Component of the Master Plan. The area proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with Section 3-2-4 and 3-2-5 of City Code. The proposed vacation, with the recommended conditions, is in conformance with Section 8-7 of City Code. The proposed vacation will not materially injure the public and is in the best interest of the City.

Moved by Evi Buell, Seconded by Tera Hooiman.

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

4. Review, consideration and possible action on Temporary Use Permit No. 1-18, filed by Koinonia Construction, Inc., for the temporary use of a single family residence to be used as a model home sales office, APN 001-61J-027, and matters related thereto.
FOR POSSIBLE ACTION

The subject property is located generally on the southwest side of Copper Trail approximately 580 feet northwest of Copper Street (2793 Copper Trail).

Luke Fitzgerald, 207 Brookwood Drive, explained that they would be using the garage in one of the houses they built in their subdivision as an office.

Ms. Laughlin went over City of Elko Staff Report dated June 20, 2018. Staff recommended approval subject to the conditions and findings in the Staff Report.

Mr. Thibault recommended approval.

Mr. Thibault recommended approval

Mr. Calder had no comments or concerns.

*****Motion: Conditionally approve Temporary Use Permit No. 1-18 subject to the conditions found in the City of Elko Staff Report dated June 20, 2018, listed as follows:**

Building Department:

1. Provide accessible elements as required by ICC A117.1-2009, accessible routes, restrooms etc. (ICC A117.1-2009) This standard provides technical criteria for

making sites, facilities, buildings, and elements accessible. The administrative authority shall provide scoping provisions to specify the extent to which these technical criteria apply. These scoping provisions shall address the application of this standard to: each building and occupancy type; new construction, alterations, temporary facilities, and existing buildings; specific site and building elements; and to multiple elements or spaces provided within a site or building.

Planning Department:

1. Permit is issued for the time period of one (1) year.
2. All items/materials stored must be inert.
3. The model home is used as a sales office and not as a construction job site office.
4. Off street parking to be designated for guests of the model home office and employee parking must be located off site.
5. Planning Department must be notified if the home sells or if the office is being relocated.

Commissioner Buell's findings to support her approval was that the proposed use is in conformance with the City of Elko Master Plan Land Use and Transportation Components. The temporary use is in conformance with Elko City Code 3-2-3(C)(5). The temporary use can provide the required off-street parking for the office as per Elko City Code 3-2-17. The proposed property provides ADA accessibility to the office within the garage and home with a portable ramp. The parcel is not located in a designated flood zone.

Moved by Evi Buell, Seconded by Tera Hooiman.

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

5. Review, consideration, and possible approval of Final Plat No. 9-18, filed by Riverside Villas Nevada, LLC, for the development of a subdivision entitled Riverside Villas a Condominium Development Phase 1 involving the proposed division of approximately 7.872 acres divided into 24 lots and 1 remainder for residential development within the C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest corner of the intersection of S. 12 Street and Opal Drive (APN 001-630-077).

Branson Brinton, 1319 E Iron Boberg Circle, Draper, UT, said having received approval of the tentative map they are here seeking approval for Phase 1 Final Map for the first two buildings, which contain 24 units.

Ms. Laughlin went over the City of Elko Staff Report dated June 21, 2018. Staff recommended approval subject to the conditions and findings listed in the Staff Report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval.

Mr. Calder recommended approval.

Chairman Freistroffer said he had a question about the condition requiring the applicant to show the easement of the HARP Trail. His understanding was that was required to be shown on the Final Plat and recorded, so it is noted for future grants for the HARP Trail.

Mr. Thibault thought it was already recorded.

Mr. Wilkinson said it was of record. It just needed to be shown on the Plat.

*****Motion: Forward a recommendation to City Council to conditionally approve Final Plat No. 9-18 subject to the conditions in the City of Elko Staff Report dated June 21, 2018, listed as follows:**

Development Department:

1. The Final Plat is approved for 24 residential condominium units and 1 remainder lot including the common area for the facility.
2. State approval of the subdivision is required.
3. Conformance with Preliminary Plat conditions is required.
4. The Owner/Developer is to record the final plat within 2 years of the date City Council approves the final plat.
5. Identify the location of the pedestrian easement which was granted for the extension of the HARP trail, prior to being presented City Council.
6. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be structured to address the unique circumstances associated with the proposed subdivision.
7. The Performance Agreement shall be approved by the City Council.
8. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
9. The subdivision map shall provide the names of all adjoining subdivisions with name, date, book and page number of recordation noted, this includes the properties adjoined by 12th Street and Opal Drive, the information shall be added to the final plat prior to being presented to City Council.

Fire Department:

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

Commissioner Buell's findings to support her recommendation was that the Final Plat for Riverside Villas Condominiums, Phase 1 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 the Transportation Component of the Master Plan. The proposed subdivision conforms to Sections 3-3-20 through 3-3-27 (inclusive). The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The proposed subdivision is in conformance with Section 3-3-40 of City Code. The property was developed under a prior subdivision approval process. Engineering plans are not required in association with the proposed subdivision. The

proposed subdivision is in conformance with Section 3-3-41 of City Code. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The Subdivider will be responsible for any required State approvals to be in conformance with Section 3-3-42 of City Code. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The proposed subdivision is 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. An agreement to install improvements is required under code and can be structured to address the unique circumstances associated with the proposed subdivision. 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. As noted under Section 3-3-44 an agreement to install improvements is required per City Code. The agreement can be structured to address the unique circumstances associated with the proposed subdivision and the performance guarantee can be addressed accordingly. All required public improvements are in place, no additional improvements are required as part of this subdivision process. The proposed subdivision conforms to Sections 3-2-3, 3-2-4, 3-2-10, and 3-2-17 of City Code. The proposed subdivision is in conformance with Section 3-8 of City Code.

Moved by Evi Buell, Seconded by Jeff Dalling.

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

III. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that the Preliminary Plat for Riverside Villas was approved on the 12th. There was a Curb, Gutter, and Sidewalk Waiver for Swire Coca Cola that was approved on June 12th. There were two Revocable Permits for monitoring wells that were approved. The petition for the Vacation that was heard tonight was approved on the 12th. The Final Plat for Autumn Colors Phase 5 was approved on the 12th. The Planning Commission Members, Stefan Beck and John Anderson, were reappointed for four year terms starting in July of 2018.

B. Summary of Redevelopment Agency Actions.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

Ms. Laughlin reported that it had been brought to her attention to put on the August Planning Commission Agenda to review and consider changing the meeting time back to 6:30pm. The Chairman requested that item be on the agenda.

Chairman Freistroffer said they had previously discussed having small snippets of the processes on the agendas. He asked if they should flag that as something that might appear on future agendas.

Ms. Laughlin said that was something that could be discussed.

Commissioner Dalling asked if more consideration could be put in when making the agenda to put items from the same applicant together.

Ms. Laughlin explained that it depends on if the item is unfinished business, a public hearing, or miscellaneous items or petitions. She also said it was based on the order the applications come into the Planning Department.

There was some discussion regarding the order of the agenda items.

Mr. Calder mentioned that the City Council adopted a Consent Agenda, he wasn't sure if the Planning Commission was interested in looking into a Consent Agenda for items that don't require a lot of deliberation or findings.

Chairman Freistroffer said he wasn't sure it would always work well, because there is so much that needs to be read into the record.

Ms. Laughlin reported that staff looked at what the applications have been, since it is midway through the year. We have exceeded the amount of fees brought in for the entire year of 2017. We are on the way to a record year.

E. Elko County Agendas and Minutes.

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

G. Staff.

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



David Freistroffer, Chairman



Tera Hooiman, Secretary