



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

PUBLIC MEETING NOTICE

The City of Elko Planning Commission will meet in a regular session on Tuesday, September 3, 2019 in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, and beginning at 5:30 P.M., P.D.S.T.

Attached with this notice is the agenda for said meeting of the Commission. In accordance with NRS 241.020, the public notice and agenda were posted on the City of Elko Website at <http://www.elkocitynv.gov/>, the State of Nevada's Public Notice Website at <https://notice.nv.gov>, and in the following locations:

ELKO COUNTY COURTHOUSE – 571 Idaho Street, Street, Elko, NV 89801
Date/Time Posted: August 27, 2019 2:10 p.m.

ELKO COUNTY LIBRARY – 720 Court Street, Elko, NV 89801
Date/Time Posted: August 27, 2019 2:05 p.m.

ELKO POLICE DEPARTMENT – 1448 Silver Street, Elko NV 89801
Date/Time Posted: August 27, 2019 2:15 p.m.

ELKO CITY HALL – 1751 College Avenue, Elko, NV 89801
Date/Time Posted: August 27, 2019 2:00 p.m.

Posted by: Shelby Archuleta, Planning Technician
Name Title

Shelby Archuleta
Signature

The public may contact Shelby Archuleta by phone at (775) 777-7160 or by email at sarchuleta@elkocitynv.gov to request supporting material for the meeting described herein. The agenda and supporting material is also available at Elko City Hall, 1751 College Avenue, Elko, NV.

Dated this 27th day of August, 2019.

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the City of Elko Planning Department, 1751 College Avenue, Elko, Nevada, 89801 or by calling (775) 777-7160.

Cathy Laughlin
Cathy Laughlin, City Planner

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING AGENDA
5:30 P.M., P.D.S.T., TUESDAY, SEPTEMBER 3, 2019
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The Agenda for this meeting of the Elko City Planning Commission has been properly posted for this date and time in accordance with NRS requirements.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

APPROVAL OF MINUTES

June 4, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

July 2, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

August 6, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

I. UNFINISHED BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action of Conditional Use Permit No. 7-19, filed by Petersen Holdings LLC, which would allow for the development of a facility that provides maintenance and repairs to automobiles within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south corner of the intersection of 12th Street and Railroad Street. (285 12th Street & 1120 Railroad Street - APN 001-363-003 & 001-363-006)

II. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible action on a transfer of Conditional Use Permit No. 8-95 to a new permittee, filed by Elko Endodontics, PLLC, which would allow for a dental office within an R (Single-Family and Multi-Family) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The location of said property is generally on the east corner of the intersection of Elm Street and 6th Street. (1260 6th Street – APN 001-065-002).

III. REPORTS

- A. Summary of City Council Actions.
- B. Summary of Redevelopment Agency Actions.
- C. Professional articles, publications, etc.
 1. Zoning Bulletin
- D. Miscellaneous Elko County
- E. Training


COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

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

Respectfully submitted,


Cathy Laughlin
City Planner

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 11th 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 of 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 11th 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 3rd Street, approximately 36' southeast of Pine Street. (604 3rd 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 3rd 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 3rd 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:
 - j 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 3rd 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 3rd 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 4th, 5th, and 6th 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 2nd, 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.

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ADJOURNMENT

There being no further business, the meeting was adjourned.

Jeff Dalling, Chairman

Tera Hooiman, Secretary

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.D.S.T., TUESDAY, JULY 2, 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: Evi Buell
 Jeff Dalling
 John Anderson
 Stefan Beck

Absent: Gratton Miller
 Ian Montgomery
 Tera Hooiman.

City Staff Present: Scott Wilkinson, Assistant City Manager
 Bob Thibault, Civil Engineer
 Michele Rambo, Development Manager
 John Holmes, Fire Marshal
 Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

June 4, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

***No action was taken on this item**

I. NEW BUSINESS

A. PUBLIC HEARING

3. Review, consideration, and possible action on Conditional Use Permit No. 5-19, filed by Bailey & Associates, LLC, to designate APN 001-926-111 as a RMH-1

district for occupancy of mobile homes on rented or leased sites in mobile home parks, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally at the northerly terminus of Primrose Lane and Daisy Dr. (APN 001-926-111).

Michele Rambo, Development Manager, explained that the applicant asked that this item be postponed to the next meeting, so he could prepare some additional exhibits. There were people present in the audience for comment and they were told how they could give comments.

Chairman Jeff Dalling said the best way to comment is to email their comments to Michele or the City Planner, and Michele's email address was provided.

Scott Wilkinson, Assistant City Manager asked if the continuation was at the request of the applicant. (Yes)

Chairman Dalling called for public comment without a response.

*****Motion: Table Conditional Use Permit No. 5-19 to the August 6th Planning Commission meeting.**

Moved by Evi Buell, Seconded by Stefan Beck.

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

1. Review, consideration and possible recommendation to City Council for Rezone No. 2-19, filed by Bailey & Associates LLC, for a change in zoning from PQP (Public, Quasi-Public) to R1 (Single Family Residential) zoning district, approximately 8.02 acres of property, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is generally located on the northeast corner of the intersection of Celtic Way and El Armuth Drive. (APN 001-660-041)

Nitin Bhakta, 1150 Lamoille Highway, said he was representing Bailey & Associates and he was available to answer any questions.

Ms. Rambo explained the project and gave a presentation. **(Exhibit A)**

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

John Holmes, Fire Marshal, had no comments or concerns.

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Forward a recommendation to City Council to adopt a resolution, which approves Rezone No. 2-19 based on the facts and findings as presented in the Staff Report dated June 11, 2019.**

Commissioner Buell's findings to support the motion were the proposed zone district is in conformance with the Land Use Component of the Master Plan. The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the existing transportation infrastructure. The property is not located within the Redevelopment Area. The proposed zone district and resultant land use is in conformance with the City Wellhead Protection Plan. The proposed zone district is in conformance with Elko City Code Section 3-2-4(B). The proposed zone district is in conformance with Elko City Code Section 3-2-5(B) and (G). The application is in conformance with Elko City Code 3-2-21. The proposed zone district is in conformance with Elko City Code Section 3-3-5(A). The proposed zone district is not located in a designated Special Flood Hazard Area (SFHA). 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 Stefan Beck.

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

2. Review and consideration of Tentative Map No. 7-19, filed by Bailey & Associates, LLC, for the development of a subdivision entitled Cambridge Estates involving the proposed division of approximately 8.02 acres of property into 35 lots for residential development within the R1 (Single-Family Residential) Zoning District, in conjunction with a zone change application, and matters related thereto.
FOR POSSIBLE ACTION

The subject property is located generally on the northeast corner of the intersection of Celtic Way and El Armuth Drive. (APN 001-660-041)

Mr. Bhakta said this was discussed with staff and he thought everything had been worked out.

Mindy Beckstead, 1513 Connolly Drive, said her daughter and son-in-law live on Clover Hills Dr. She was concerned with the traffic being brought in with the proposed additional 35 homes. She mentioned that there was already a lot of traffic, and that there are kids in that neighborhood. She wanted an explanation on how this was going to be safe for the public and families in the neighborhood.

Ms. Rambo explained the Tentative Map with a presentation. **(Exhibit B)**

Mr. Thibault brought up a copy of the Tentative Map that everyone could see and pointed out the lots that had shorter frontages, and the lots that didn't meet the minimum size requirements for corner lots. Mr. Thibault then went over his conditions, which were included in the City of Elko Staff Report dated June 18, 2019.

Mr. Holmes had no concerns.

Mr. Wilkinson had a couple of comments. Staff believes that the Modification of Standards is justified. Quite a large area is being lost to storm water controls in the upper right corner. Conformance with the Flood Control Ordinance requires a loss of property there. Staff believes that since they are large lots that there is more than enough buildable area on what is proposed. He also wanted to talk a little bit about traffic. Initially the property was proposed to be a school site. There would have been a tremendous amount of traffic, not only on Celtic, but on Jennings as well. There aren't a whole lot of lots that front Celtic, so you don't have a lot of pedestrians from the lots interfacing with Celtic. A couple things will happen with this property being rezoned to an R1. There won't be any multi-family development there, it will only be single-family homes. From a zoning perspective the zone change from PQP to R1 is the best outcome for development of this property. The number of lots conforms with the City Code. He thought a lot of the lots were actually larger in area than the minimum standard. The proposed lot layout results in less traffic than what could be designed. From a traffic perspective, with the vacant areas of the City being developed, there will be some additional traffic. There is also a vacant property across the street that will be developed into a residential subdivision. If there are issues with speeding, or other traffic infractions, those are issues to take up with the Police Department; those aren't issues that can be controlled through an approval of a subdivision. Mr. Wilkinson recommended a conditional approval as presented by staff.

Katie Lemmon, 1534 Celtic Way, complained that she has a lot of people coming down her street and has to wait to back out of her driveway. She said it would be nice to see another way in and out of the neighborhood.

Vant Stevens, 1707 Celtic Way, agreed that there is a lot of traffic on Celtic Way. There are a lot of kids playing out there. Her other concern was if there was enough water to support 35 more houses. Sometimes their water pressure is really low. A couple of years ago there was a rain storm and the storm drain filled up.

Mr. Thibault said the water pressure is fairly high at 80 psi. There is enough water to serve all of the undeveloped properties in the City. As far as the traffic, Celtic Way is designated as a minor collector, which is intended to carry a significant amount of traffic. It is unfortunate that the previous subdivisions were designed with driveways out to Celtic, which wouldn't be allowed in a newer subdivision design.

Lee Stevens, 1707 Celtic Way, explained when his house was built up there it was all dirt road. The City came in and put a cold cap on top of the dirt road. He asked if the asphalt could sustain the additional traffic. In the winter months the traffic coming up El Armuth tracks mud down Celtic Way. He has two or three inches of mud where people come around the corner. He wanted to know who would keep the street clean.

Mr. Wilkinson explained that during construction the developer is responsible for maintaining their track out onto Celtic Way. The existing street is the responsibility of the Street Department to maintain. There will be some street improvements to a limited degree on the frontage. If for some reason the street were to start degrading, it will go onto a list and the Street Department will have to repair it at some point in the future. The traffic out El Armuth is a County issue. Staff can talk to the County about their traffic and how they might control that.

Mr. Stevens said the county doesn't claim that road, neither does the City. The Fire Department considers it a fire break. He asked for a stop sign to slow people down. The sign is faded out. He wanted to see that improved. Traffic is going to increase. He doesn't want El Armuth to become a main fairway from the freeway to Mountain City Highway.

Mr. Wilkinson said explained that the way this section was mapped, El Armuth is an individual parcel that is owned by someone. The connectivity of El Armuth to Mountain City Highway won't occur, because there was a revision to the Master Plan to remove that connection. With the approval of this subdivision there is no condition that could be put on the approval that would address any traffic from the County.

Mr. Stevens was concerned that there was only one mailbox, and wondered where the new houses would be getting their mail.

Mr. Wilkinson explained that there would be a gang box within the new subdivision.

Commissioner Beck thanked everyone for the explanation. He hears the traffic concerns but he felt that would be minimal because of the newer design. He asked if traffic would become more of an issue if more properties were to develop.

Mr. Wilkinson pointed out that all the properties in the County surrounding the subject property had been developed already. There are only two vacant properties down on El Armuth, but Mr. Wilkinson thought they were bought by an individual who lives on Sundance. Whether or not those develop remains to be seen. If any County development were to occur with any type of density, there is a communication policy in affect with the County where they would have to notify the City.

*****Motion: Forward a recommendation to City Council to conditionally approve Tentative Map No. 7-19 based on facts, findings, and conditions in the City of Elko Staff Report dated June 18, 2019, listed as follows:**

- 1. Rezone 2-19 must be approved by the City Council and all conditions be met.**
- 2. The subdivider is to comply with all provisions of the NAC and NRS pertaining to the proposed subdivision.**
- 3. Tentative Ma approval constitutes authorization for the subdivider to proceed with preparation of the Final Map and associated construction plans.**
- 4. Tentative Map approval does not constitute authorization to proceed with site improvements, with the exception of authorized grading, prior to approval of the construction plans by the City and the State.**
- 5. The applicant submit an application for Final Map within a period of four (4) years in accordance with NRS.360(1)(a). Approval of the Tentative Map will automatically lapse at that time.**
- 6. A soils report is required with Final Map submittal.**
- 7. A hydrology report is required with Final Map submittal.**
- 8. Final Map construction plans are to comply with Chapter 3-3 of City Code.**
- 9. The subdivision design and construction shall comply with Title 9, Chapter 8 of City Code.**

10. The Utility Department will issue and Intent to Serve Letter upon approval of the Tentative Map by the City Council.
11. A Modification of Standards approved by City Council for Lots 7-10, 13 and 14 to have reduced frontage widths.
12. A Modification of Standards approved by City Council for Lots 29 and 35 to have reduced square-footages.
13. Prior to being scheduled for a City Council hearing, the Tentative Map shall be modified as follows:
 - a. Remove the word “easement” from the description of the dedicated land along the eastern side of the subdivision and instead show this area as a separate parcel to be dedicated to the City of Elko similar to the street, detention pond, and sewer dedications.
 - b. Remove the residential lot property lines within the dedicated are described above.
 - c. Adjust the building setback line to reflect the correct rear property line.
 - d. Recalculate the lot areas to eliminate the dedicated area.
 - e. Revise the buildable area of the lots to reflect the correct rear property line.

Commissioner Buell’s findings to support the motion were the proposed subdivision and development is in 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 be directed to a storm sewer system. A zoning amendment is required and has been submitted to the Planning Department to change the property zoning from Public, Quasi-Public (PQP) to Single Family Residential (R1). In accordance with Section 3-3-5(E)(2), the proposed subdivision and development will not result in undue water or air pollution based on the following: a) There are no obvious considerations or concerns which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations. b) There is adequate capacity within the City’s water supply to accommodate the proposed subdivision. c) The proposed subdivision and development will not create an unreasonable burden on the existing water system. d) There is adequate capacity at the Water Reclamation Facility to support the proposed subdivision and development. e) 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 Tentative Map approval. f) Utilities are available in the immediate area and can be extended for the proposed development. g) Schools, fire and police, and recreational services are available throughout the community. h) With the approval of the associated Modification of Standards regarding lots 7-10, 13, and 14, the proposed subdivision and development is in conformance with applicable zoning ordinances and is in conformance with the Master Plan. i) The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets. j) The area is

not located within a designated flood zone. Concentrated storm water runoff has been addressed as shown on the grading plan. k) 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 submittal is in conformance with Section 3-3-6 of City Code. The proposed subdivision is in conformance with Section 3-3-9 of City Code. The proposed subdivision is in conformance with Section 3-3-10 of City Code. The proposed subdivision is in conformance with Section 3-3-11 of City Code. The proposed subdivision is in conformance with Section 3-3-12 of City Code. The proposed subdivision is in conformance with Section 3-3-13 of City Code with the approval of a Modification of Standards to front width requirements for 7-10, 13, 14, 29, and 35. The proposed subdivision is in conformance with Section 3-3-14 of City Code. The proposed subdivision is in conformance with Section 3-3-15 of City Code. The proposed subdivision and development is in conformance with Section 3-2-3 of City Code. The proposed subdivision and development is in conformance with Section 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 with the approval of the Modification of Standards to the front width requirements for 7-10, 13, 14, 29, and 35. 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 not located in a designated flood hazard area and is in conformance with Section 3-8 of City Code. The proposed subdivision design shall conform to Title 9, Chapter 8 of City Code.

Moved by Evi Buell, Seconded by Stefan Beck.

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

Chairman Dalling explained that the public had the right to appeal if they weren't happy with the decision.

Mr. Wilkinson added that this item would also have a public hearing in front of the City Council.

4. Review, consideration, and possible action on Zoning Ordinance Amendment 1-19, Ordinance No. 842, an amendment to the City Zoning Ordinance, specifically Section 3-2-3 General Provisions, and matters related thereto. **FOR POSSIBLE ACTION**

At the May 7, 2019 meeting, Planning Commission took action to initiate an amendment to the City Zoning Ordinance Title 3, Chapter 2, Section 3; General Provisions.

Ms. Rambo explained the request and gave a presentation. **(Exhibit C)**

Mr. Thibault had nothing to add.

*****Motion: Forward a recommendation to City Council to adopt an Ordinance, which approves Zoning Ordinance Amendment No. 1-19 of the Elko City Code, specifically Section 3-2-3.**

Moved by Evi Buell, Seconded by Stefan Beck.

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible approval of Final Map No. 8-19, filed by Copper Trails, LLC, for the development of a subdivision entitled Copper Trails Phase 2 – Unit 1 involving the proposed division of approximately 19.194 acres of property into 9 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 at the intersection of Copper Street and Mittry Avenue. (APN 001-610-114)

Ms. Rambo explained the final map and gave a presentation. **(Exhibit D)**

Mr. Thibault said Engineering had one condition that was already addressed and recommended approval.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Recommended that the City Council accept, on behalf of the public, the parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication; that the final map substantially complies with the tentative map; that the City Council approve the agreement to install improvements in accordance with the approved construction plans that satisfies the requirements of this Chapter, and conditionally approve Final Map 8-19 with conditions listed in the Staff Report dated June 12, 2019, listed as follows:**

1. **The Developer shall execute a Performance Agreement in accordance with Section 3-3-21 of City code. The Performance Agreement shall be secured in accordance with Section 3-3-22 of City code. In conformance with Section 3-3-21 of City code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Map approval by the City Council unless extended as stipulated in City code.**
2. **The Performance 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 Map by the City Council.**

4. The Final Map for Copper Trails Phase 2, Unit 1 is approved for nine (9) single family residential lots.
5. The Utility Department will issue a Will Serve Letter for the subdivision.
6. Construction, with the exception of grading, shall not commence prior to Final Map approval by the City Council, issuance of a will-serve letter by the City of Elko, and approval of construction plans by the Nevada Department of Environmental Protection.
7. Conformance with the conditions of approval of the Tentative Map is required.
8. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition of the Standard Specifications for Public Works. All right-of-way and utility improvements are to be certified by the Engineer of Record for the project.

Commissioner Buell's findings to support the motion were the Final Map for Copper Trails Phase 2, Unit 1 has been presented before expirations of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Map is in conformance with the Tentative Map. The proposed subdivision is in conformance with the Land Use Component of the Master Plan. The proposed subdivision is in conformance with the Transportation Component of the Master Plan. Based on Modification of Standards for lot dimensions granted under the Tentative Map application, the proposed development conforms with Sections 3-3-9 through 3-3-16 (inclusive). The subdivider shall be responsible for all required improvements in conformance with Section 3-3-17 of City Code. The subdivider has submitted plans to the City and State agencies for review to receive all required permits in accordance with the requirements of Section 3-3-19 of City Code. The subdivider has submitted construction plans, which having been found to be in conformance with Section 3-3-20 of City Code, have been approved by City Staff. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-21 of City Code. The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City Code. Based on the Modification of Standards for lot dimensions granted under the Tentative Map 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.

Moved by Evi Buell, Seconded by John Anderson.

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

2. Review, consideration, and possible recommendation to City Council for Vacation No. 3-19, filed by David and Julianne Ernst, for the vacation of the northeasterly

portion of 3rd Street, consisting of an area approximately 900 sq. ft., and matters related thereto. **FOR POSSIBLE ACTION**

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

Ms. Rambo explained the vacation with a presentation. **(Exhibit E)**

Mr. Thibault recommended approval. He explained that there are 80 foot rights-of-way in the tree streets, which is quite excessive for a neighborhood street. The City often vacates 10 feet from either side.

Mr. Holmes had no comments or concerns.

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 3-19, based on the facts, findings, and conditions in the City of Elko Staff Report dated June 11, 2019, listed as follows:**

- 1. The applicant is responsible for all costs associated with the recordation of the vacation.**
- 2. 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 the motion were the proposed vacation is in conformance with the City of Elko Master plan Land Use Component. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The property proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7. The proposed vacation will not materially injure the public and is in the best interest of the City.

Moved by Evi Buell, Seconded by Stefan Beck.

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

II. REPORTS

A. Summary of City Council Actions.

Ms. Rambo reported that the Great Basin Estates Phase 3 final map and performance agreement was finally approved. The 2018 International Building and Fire Codes were adopted.

B. Summary of Redevelopment Agency Actions.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

Ms. Rambo explained that a power point on ethics was included in their packet. Also the 2019 State American Planning Association Conference was going to be in Sparks in October.

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

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

ADJOURNMENT

There being no further business, the meeting was adjourned.

Jeff Dalling, Chairman

Tera Hooiman, Secretary

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.D.S.T., TUESDAY, AUGUST 6, 2019
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

Evi Buell, Vice-Chairman of the City of Elko Planning Commission, called the meeting to order at 5:30 p.m.

ROLL CALL

Present: Evi Buell
Gratton Miller
Ian Montgomery
John Anderson
Stefan Beck
Tera Hooiman (*Arrived at 5:44 p.m.*)

Excused: Jeff Dalling

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

July 2, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

***No action was taken on this item.**

I. UNFINISHED BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Conditional Use Permit No. 5-19, filed by Bailey & Associates, LLC, to designate APN 001-926-111 as a RMH-1

district for occupancy of mobile homes on rented or leased sites in mobile home parks, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally at the northerly terminus of Primrose Lane and Daisy Dr. (APN 001-926-111).

Guy Heckethorn, 1294 Primrose Lane, questioned why Bailey Homes was going to put in the mobile home park in rentals, instead of manufactured homes.

Cathy Laughlin, City Planner, explained that the applicant would be giving a presentation, as well as staff would be going through their review of the application, and that might answer Mr. Heckethorn's questions.

Jon Bailey, Bailey & Associates, LLC, 780 W. Silver Street, explained that they are proposing an RMH-1 development that includes 44 lots. The first phase of Cedar Estates was developed years ago and had a slow build out. Bailey acquired property from the original developer 14 years later. He didn't know if it had penciled out for them to continue the project as originally planned. They were able to come to agreement with Clayton Homes and work through difficult site location, with the concrete plant and the landfill nearby. There are not a lot of opportunities with zoning, but there is a demand for entry level housing and a nice end product. The second phase of Cedar Estates has been in the process for four years and is still not completely built out. There is a really slow absorption rate. Clayton is no longer interested in moving forward. Baileys' want to develop this, be contentious of the neighbors, and create something that they can put their name on and feel proud of. They looked at the area and just to the west is another RMH-1 development. They thought that they could make something work here that would be sensitive to the neighbors, and also provide an opportunity for CC&Rs, restrictions to the types of units, and also maintenance of the grounds and screening with a wall. They did an analysis of the Code and worked with staff. Staff's original take on this is that this was an RMH-3 with the two prior phases and wanted to stick along those lines. Mr. Bailey felt that the RMH-1 could be justified, even under the staff report, with the density that they are proposing and the traffic that is going to be generated based on that density. Mr. Bailey thought that they could build a very nice product through the use of CC&Rs, the use of screening, and any input from the Planning Commission. He was interested in hearing any suggestions they could incorporate in order to make this a viable project for the City and the neighbors.

Greg Martin, 1349 Primrose Lane, said he had one question for the applicant. With the original Phase 1 and the properties developed on the east side of Daisy, was there supposed to be a barrier wall that separated the residential development from the industrial property to the west.

Scott Wilkinson, Assistant City Manager said no.

Mr. Martin said that the City has done that on projects similar to this in other areas around town. He was curious as to why that wasn't part of the subdivision plat when it was approved the first time around.

Mr. Wilkinson said that the real issue is if you have a wall and several different properties, who would maintain the wall. Typically that requirement is placed on the industrial, or commercial, property, because there is one owner that can maintain the wall, but that wasn't the case here.

Ms. Laughlin explained that this particular item was tabled at the last meeting. It was tabled at the request of the applicant, but also at the request of staff due to some deficiencies in the application. Since that meeting there is a second memo. Because the item was tabled, the original memo remains in the packet. The second memo just explains that the deficiencies were delivered to staff after the meeting and met the requirements. Ms. Laughlin then went through the City of Elko Staff Report dated June 18, 2019.

Michele Rambo, Development Manager, went over the power point that was included in the packet.

Bob Thibault, Civil Engineer, said the Engineering Department recommended denial for similar reasons. We recommend the previous district of RMH-3 is maintained. The Land Use Component of the City Master Plan designates this area as Residential Medium Density and RMH-1 is not a corresponding zoning district.

John Holmes, Fire Marshal, had no comment.

Mr. Wilkinson had a recommendation for denial of the proposed RMH-1 district. It is not compliant with the Master Plan. He wanted to bring to the Commissioner's attention the historic decisions that have been made by the Planning Commission and the City Council that looked at either mobile home subdivision or manufactured home subdivision. Ms. Laughlin mentioned the 1st decision, although it seems incorrect that you would have mobile homes and manufactured homes together, required permanent foundations. The idea was to have a subdivision of property, not commercial use. Mr. Wilkinson thought the historic decisions that have been made, and more recently with the manufactured home subdivision, carried a lot of weight. Additionally, staff has talked about non-conformance with the Master Plan. More importantly, this is not a transitional use. You can have an applicant come up and say they will design around all the issues, but we aren't looking at a variance application. He thought the Commission needed to be careful of that, because then everyone will get to design around the issues. Mr. Bailey is proposing a good layout for a mobile home park, and he intends on pursuing it and doing a good job with it. There has been some talk about CC&Rs being in place. Those work as long as the owner of the property wants to adhere to those. The City doesn't enforce CC&Rs.

Mr. Bailey wanted to refer to Page 17 of the Land Use Component of the Master Plan. He pointed out that in his version of the Master Plan RMH-1 is not listed under High Density Residential. He wondered if that had been edited or changed recently.

Ms. Rambo clarified that there are four RMH Zones 1, 2, 3, and 4. Medium Density lists RMH-2 and RMH-3; High Density just says RMH. The only thing left is RMH-1 and RMH-4. The basic issue is that RMH-1 is not listed under Medium Density.

Mr. Bailey said what Ms. Rambo represented to the Commission was that on Page 17 RMH-1 was listed under High Density.

Ms. Rambo said that Mr. Bailey was correct, currently the Master Plan says RMH. She explained that she put the "1" in for clarification.

Mr. Bailey said he wanted to be clear that RMH-1 is not listed in High Density Residential. It is an assumption. RMH-1 corresponds more to 4 to 8 units per acre, which is Medium Density Residential. If there are going to be adjustments to the Master Plan and how it is presented to the Planning Commission, then it needs to be with what's on the Master Plan. What is on the Master Plan is RMH. The next reasonable step would be to look at the definition of Medium Density, which is 4 to 8 units per acre. Classifying RMH-1, just because it is not listed, as High Density is not a statement that you would conclude from the density of the proposed project.

Mr. Wilkinson pointed out that RMH-2 is listed as Mobile Home Subdivision, and RMH is listed as mobile home residential. There is a clear distinction where those are listed in the Master Plan. Subdivision isn't listed under High Density, but it is listed under Medium Density. The Master Plan is pretty clear. RMH-4 is considered, and restricted to, a commercial zone. We are here to designate the RMH use going forward.

There was further discussion between Mr. Bailey and Mr. Wilkinson on whether RMH-1 is considered High Density in the Master Plan.

Mr. Bailey explained that with his interpretation of the Master Plan the project would conform to the Master Plan. He went over a few pages in the Master Plan. He read from Page 16 of the Land Use Component:

The Elko Master Plan Land Use Map (ATLAS Map 8. 2010 Future Land Use Plan) is a graphic depiction of proposed future land use and is a guide for the City staff and officials to rely upon as they are evaluating development proposals and associated applications or revisions to City policies and ordinances. Depicting an area as residential, commercial or any other designation on the Master Plan Land Use Map should not prohibit other land uses that may be authorized by Planned Unit Development (PUD) ordinances, conditional use ordinances or other land use applications that may grant a land use exception or other means of relief, so long as the land use complies with the Elko City Code and is compatible with, and does not frustrate, this Master Plan's goals and policies.

Mr. Bailey continued that the project complies with the City Code to a T with everything that they are proposing. They have looked at their project in conformance with the Master Plan and the goals and policies; they meet the Medium Density designation with their layout. In the Transportation Component the traffic counts are based on density, so although they say that these projects should be located next to an Arterial. That would be if they generate a high traffic volume. Their project is within the Medium Density, so their traffic is in conformance with the Medium Density as well. Mr. Bailey read from Page 24 of the Land Use Component of the Master Plan.

Encourage high density residential, commercial or industrial uses that generate significant traffic volumes adjacent to major arterials or collectors roadways.

He explained that they were not creating a significant traffic volume. It isn't an apartment complex. This will be 44 lots, which would be in the medium density in regards to units per acre. He then read Best Practice 1.4 from the Land Use Component. He added that it talks about creating a diverse mix of housing to allow for seniors, new families, older home owners, etc. The park provides all of that. There is not a lot of this type of housing, but there is a lot of demand for

it. There is also not a lot of it that is being cared for, which is why there might be some push back on it. Mr. Bailey thought with their history, development, proposal, and opportunity that they provided staff to give recommendations that they could develop. They are also meeting all of the code regulations for development as laid out by City Code. The community does need diverse housing. They have put together a thoughtful development, and it is in conformance with the goals and policies of the Master Plan. Listing it under high density is not the way it should be interpreted based on their proposal. He thought by interpreting it that way it was restricting the land to be a place for weeds to grow.

Commissioner Stefan Beck asked Mr. Bailey if he had put a lot of time and effort into this proposal.

Mr. Bailey explained that they have owned the land for 5 years. He didn't know how many proposals he had brought to the City. They take the proposals to the City and when they go through the costs to develop and then to the market, then they are not feasible. Stick built homes are not feasible for this neighborhood, for the cost of construction. Clayton Homes' absorption rate has been slow. He thought they could create an amenity in the park with the wall, the trees, the park that will be built, and the CC&Rs that will go along with it. It will be the nicest thing in the neighborhood and it will be that way from the get go, and then it will be maintained by one owner, so you won't have to chase down 50 different owners if there is something wrong with the property. The projects that they have done in the City have done well and have been nice. They want to develop something here, but they are next to the Land Fill and the industrial concrete plant. They have spent a lot of time and money on this little piece. They are not trying to create something that is out of ordinary with the neighborhood.

Commissioner Beck asked if there was a way for Mr. Bailey to alter his approaches, so he and the City could come to an agreement on the interpretations.

Mr. Wilkinson said that Mr. Bailey has presented some strong, valid arguments. It is much simpler. When a property is rezoned, which is what this is and what the Planning Commission and the City Council have done prior to this; they have designated this property on the last go around as an RMH-3 zone. What the Planning Commission is doing now, is making a zoning type decision. There is no doubt that Mr. Bailey's presentation is solid. If the Planning Commission makes a decision that RMH-1 is a valid use here, and Mr. Bailey decides not to do his project, then the City and the Planning Commission are stuck with the next proposal under an RMH-1. A proposal is not being approved here, a zone and land use is being considered regardless of who might do it. If you are making a decision on whether it is commercial or industrial, whether or not there is a project proposed, that designation should stand on its own. That is the appropriate use at that location regardless of who might do it, or what their application looks like. The City Council has made historic decisions that didn't include RMH-1 in this area. Mr. Wilkinson's main concern was whether RMH-1 was the appropriate use, regardless of who wants to do it. He believed that a precedent had already been set when the decision was made on RMH-3 under the subdivision process. The City Council and Planning Commission have made those decisions prior to this application. It is a great proposal, and Mr. Wilkinson didn't think staff would need to add anything to the proposal. Then the Planning Commission needs to consider whether RMH-1 is frustrating the intent of the Master Plan.

Commissioner Gratton Miller asked with the transitional zoning if it was currently zoned RMH-1.

Ms. Rambo pointed out that the property is currently classified as RMH-3.

Mr. Bailey said the property is zoned RMH, RMH-3 is not a zoning designation.

Ms. Rambo clarified that RMH-3 is a sub-classification, which is still a zoning classification.

Mr. Wilkinson said there has been subdivision approvals for RMH-3.

Mr. Bailey said on that note, there would have been no reason to allow RMH-3 if the first one was RMH-2. Every project needs to be based on the merits of the project in front of you. You can't condition one project based on something that might happen in the future, it is unfair to the applicant. At that point why do we have a Planning Commission? Just let staff say yes or no to everything.

Mr. Wilkinson said the first decision was for manufactured or mobile homes on permanent foundations, either or.

Mr. Bailey said staff should have said no to RMH-3, since they approved RMH-2 previously.

Mr. Wilkinson didn't know that staff had the authority to require a mobile home to be put on a permanent foundation. He thought the decision for the RMH-3, which Mr. Bailey was the applicant for, was the right decision to clean that up.

Mr. Bailey said the precedent was RMH-2, which was done prior to RMH-3.

Mr. Wilkinson that decision was also whether it was mobile homes or manufactured homes, either or, which was confusing and not done correctly.

Commissioner Ian Montgomery asked if the rest of neighborhoods in the area were RMH-2 and RMH-3.

Mr. Bailey said no. He pointed out Southgate Mobile Home Park as RMH-1.

Ms. Rambo clarified that Southgate is RMH-1, however it was done before the regulations we have now were in place. Primrose and Daisy are RMH-3.

Mr. Wilkinson said the RMH-1 development is in pretty good condition and it has been there a long time.

Mr. Thibault pointed out that the Southgate RMH-1 development is along Lamoille Highway, and works with the zoning of having more dense uses along the highway and lesser intense uses further back. He also pointed out that the previous Tentative Map that was approved on the property in question had around 32 lots. It was considerably less dense than the 44 lots that are currently being proposed. RMH-1 is not listed under the Medium Density uses that are appropriate in the Master Plan.

Mr. Bailey pointed out that the density is still with the medium density 4 to 8 units per acre.

Mr. Thibault said his point was that it was still a more dense use that is accessed through a less dense neighborhood.

Commissioner Beck asked if Mr. Bailey could alter his density to conform and still have a project.

Mr. Bailey said they were already within the medium density designation. If you're talking about reducing it by a few lots it will still be less than the medium density, which is 4 to 8 units per acre. They are at 6, so if they lose a few lots they will be around 5. Mr. Bailey thought staff needed to take a look at whether or not the densities can be reached with the type of developments listed in the Master Plan. He then explained that an RMH-1 could never be considered a high density development with the development standards that are listed for an RMH-1 development in the Code.

Ms. Rambo specified that density was not the issue. Mr. Bailey could propose two units, and staff would still have the same recommendation, because RMH-1 is not listed under Medium Density Residential.

Mr. Bailey mentioned that the Master Plan did, and that he referred to it in his opening statement. That is what the Conditional Use Permit is for, and what the Planning Commission is for. Staff's interpretation is that RMH-1 is not listed as a designated use, but it's not excluded as a place to come to Planning Commission to have them review the merits of an application. To say it is simple, it is not. That is the reason they pay the fees to come and get a Conditional Use Permit. That's why they spend the time to put together a thoughtful development that is in conformance with the Master Plan. This is his land and he wants to develop it. He has tried RMH-3. They have had RMH-2, RMH-3, and RMH-1 all within that block, and staff has gotten stuck on the proposed development being high density when it is not. He hoped the Planning Commission looks at the Master Plan as whole, the affordable housing, and the diversity of housing that is laid out in the Master Plan. People at different cycles of their lives need this type of housing. Retired people like to come into a maintained park. This type of housing is needed in Elko.

Ms. Laughlin said when they are talking about historical aspect of this property, she repeated that the Conditional Use Permit that was approved in 1996 gave it a designation of RMH-2. Ms. Laughlin stated that she did not go through the history to see how the RMH-2 District was written in the Code at that time. The Conditional Use Permit did have a conditions that required all the homes to be on permanent foundations, which would be RMH-3 as it is written in the Code currently.

Mr. Wilkinson clarified that the Conditional Use Permit stated both units, mobile homes and manufactured homes. That decision, based on the current Code, combined the two together, which isn't quite right. Mr. Wilkinson thought Mr. Bailey had given the Planning Commission a lot to think about. Just recently we made the decision that a Manufactured Home Subdivision is what the appropriate use is, and is in conformance with the Master Plan Land Use and Transportation Components. The proposed project is solid. The real issue is whether this is the appropriate designation, zone, for that development. He thought they were basically looking at a

zone change. The Planning Commission and the City Council designated this as an RMH-3 area when they approved the Preliminary Plat. There is a lot of information for the Planning Commission to consider. Mr. Wilkinson said he couldn't think of any additional conditions that might be appropriate if the Planning Commission determines that a mobile home park would be acceptable at this location.

Mr. Bailey expressed that this wasn't a zone change application. The property is already zoned RMH. The uses allowed with the RMH zone include RMH-1. They are considering a Conditional Use Permit Application.

Mr. Wilkinson read Section 3-5-1 of the Elko City Code for the Planning Commission, which states:

Within selected geographical areas that are designated for mobile homes on the city general plan map, adopted by the city council on January 15, 1974, or zoned RMH on the zoning map, the city council, through conditional use permits, after review by the planning commission, may regulate by districting, the proposed mobile home residential use, manufactured home residential use, and recreational vehicle parks. When such districts are designated, the provisions of this chapter shall prevail over any requirements underlying by virtue of the zoning previously adopted. Within the commercial zoning districts, the appropriate provisions of this chapter shall apply to recreational vehicle (RV) parks approved by the planning commission through conditional use permits. (Ord. 398, 4-24-1990)

Mr. Wilkinson thought that the City had designated the district that would be here as RMH-3. When the district is designated, which was done with the approvals of the Subdivision, you must comply with the Code. What we are asking the Planning Commission to consider tonight is a designation that would override the prior decision of RMH-3 to RMH-1.

Mr. Bailey disagreed that they were asking for a zone change, because the property is already zoned RMH, which allows any of the designations. The process to designate is a Conditional Use Permit, not a zone change. They have gone through the Conditional Use Permit with the designation requirements that are set out for RMH-1 with their layout.

Commissioner Miller asked Mr. Bailey if the lots were going to be rented.

Mr. Bailey explained that the RMH-1 is a residential use that allows an owner to own the unit and lease the land, and the land owner manages the land.

Greg Martin, 1349 Primrose Lane, said he was a resident of the RMH-3 project that was previously developed in the late 1980's. He wanted to point a few things out. He mentioned that there was no doubt that the product that Bailey provides for the community is top notch. The perception that Mr. Martin wanted to present to the Planning Commission was of the home owners in the area. When they bought in this neighborhood the expectation was that this was already approved for RMH-3, which is manufactured home on a permanent foundation. Mr. Martin expressed that he understood the need for diversity, because he is in the real estate business. If you take a drive through the RMH-1 zoning area there are some district differences that Mr. Martin thought needed to be taken into consideration with the project that is being

presented. That RMH-1 development has multiple opportunities for ingress and egress. The proposed development only has two points of ingress and egress, which are Primrose Lane and Daisy Drive. He asked if there was going to be curb, gutter, and sidewalk in the development. (Yes) It is a higher density that will all be using those two roads for ingress and egress. There are a lot of children in the neighborhood, as well as homes that provide use for people with mental deficiencies. Mr. Martin explained how the RMH-1 development adjacent to Lamoille Highway has degraded overtime, which was a concern of the home owners in the area for the proposed development.

Rachel Randal, 2311 Wildwood Way, said that she had a couple questions outside of the discussion. It was mentioned that there were two trash collection areas. She asked if she were to live in the subdivision if she would have to cart her trash out of her home to one of the trash collection areas.

Mr. Bailey explained that the Code requirements for RMH-1 requires community trash enclosures. The intent with waste management would be to have mobile totes at each unit, but because of the code requirement for community trash and people that don't want to pay for a mobile tote there is a trash enclosure so that refuse isn't an issue within the park. Any one that wanted a mobile tote would be allowed to get one.

Ms. Randal asked if there would be mailboxes. (Yes) She pointed out that Mr. Bailey mentioned senior accommodations a few times, and asked if the park would only be for senior citizens or if it would be open to the general public.

Mr. Bailey clarified that the park would be open to the general public.

Ms. Randal agreed with Mr. Martin that there were openings in the Southgate Mobile Home Park. She also agreed with Mr. Wilkinson that the use of the land would make most sense matching the RMH-3 that Primrose Land and Daisy Drive already have. She thought it made sense to not have a trailer park in this location of the City. She thought Mr. Bailey brought up good questions about the RMH status and the divisions underneath. She thought there was room for improvement in the Code.

Commissioner Montgomery stated that his biggest concern was the transportation issue. He mentioned that Pinion Road gets backed up with people going to the land fill, so the people in the proposed subdivision will not have any other way to get out other than Pinion Road.

Commissioner Miller disagreed. He said by doing the math it would fit under the medium density residential. He thought this was a difficult situation. He asked Mr. Bailey if he had brought an RMH-3 proposal to the City for this particular property.

Mr. Bailey said no, because they don't have an end user for it.

Mr. Wilkinson pointed out that the City approved a Preliminary Plat as RMH-3 for this particular area.

Ms. Laughlin clarified that a Preliminary Plat was approved, but not a Final Map. The Preliminary Plat expires in four years if a final map is not submitted.

Commissioner Miller said he wouldn't see an issue if the units were on foundations.

***** Motion: Deny Conditional Use Permit No 5-19 based on the facts and findings listed in the City of Elko Staff Report dated June 18, 2019, listed as follows:**

Development Department recommends DENIAL of CUP 4-19 based on the following facts:

- 1. Proposed designation of RMH1 does not conform to the Master Plan.**
 - a. Per Land Use page 17, RMH1 is considered a high-density residential use. The site is designated as Medium-Density Residential. The Master Plan does not distinguish based on number of units so whether there are 2 units or 150 units, it is considered high-density.**
 - b. Land Use page 24 states that high-density residential uses should be located on major arterials or collectors. Access to this site is via residential local streets. Other mobile home parks in town (Panorama and Bullion) all have direct access to collector streets and would comply with this section of the Master Plan.**
 - c. Transportation page 26 discusses the need to protect and enhance existing neighborhoods by reducing regional traffic on residential local streets. This project, by its commercial nature, would most likely increase traffic beyond what would occur if the property were developed at an RMH3 level.**
 - d. Transportation page 26 also mentions that residential local streets are designed to be pedestrian friendly. The movement of mobile homes down these streets would pose a danger to the health, safety, and welfare of the existing residents and potentially interfere with their right to enjoy their property.**
- 2. The property was designated as RMH3 with the approval of a previous Planning Commission and Council action. RMH3 is considered a sub-classification of zoning and should be thought of the same way as any other Tentative Map with a Zone Change. The expiration of a Map does not revert the zoning back to the previous category.**

Engineering Department recommends DENIAL of CUP 4-19 based on the following facts:

- 1. Recommend the previously approved district of RMH-3 is maintained.**

Public Works Department recommends DENIAL of CUP 4-19 based on the following facts:

- 1. Concerns running traffic through residential neighborhoods to a mobile home park.**

Commission Montgomery's findings to support the recommendation were that the proposed development is not in conformance with the Land Use Component of the Master Plan. The Transportation Component of the Master Plan states that concentration of high density residential development should be provided along minor arterial route. The proposed development is not in conformance with the existing transportation infrastructure and the Transportation Component of the Master Plan. The proposed development is in conformance with the City Wellhead Protection Program. The proposed use is not consistent with surrounding land uses as a transitional use between low density in the County and medium density in the City. The proposed use is in conformance with City

Code 3-5 Residential Mobile Home with the approval of the Conditional Use Permit. The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-8 and 3-2-18 of the Elko City Code. The prior approval of CUP 4-96 designated the parcel as RMH-2, mobile home subdivision. The proposed parcel had prior approval of Tentative Map 3-14 for Cedar Estates Subdivision for an RMH-3 manufactured home subdivision.

Moved by Ian Montgomery, Seconded by John Anderson.

**Motion passed (4 - 2).*

Yes: Evi Buell, Gratton Miller, Ian Montgomery, John Anderson.

No: Stefan Beck, Tera Hooiman.

II. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration and possible recommendation to City Council for Rezone No. 3-19, filed by John and See Lambert as Trustees of the Lambert Family Trust, for a change in zoning from R (Single-Family and Multi-Family Residential) to RO (Residential Office) Zoning District, approximately 0.14 acres of property, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is generally located on the north corner of the intersection of 6th Street and Pine Street. (603 Pine Street - APN 001-231-009)

John Lambert explained that the property is located at 603 Pine Street. In 1991 this property, a beautiful old Victorian home, was developed by Eric Easterly as a professional office. The Conditional Use Permit that was given to it at the time was for two attorneys and staff. That is a very restrictive Conditional Use Permit. Mr. Lambert said he had been leasing out the building for some time, but that was not going to continue. There is no market for two attorneys to buy a piece of property, which was the problem Mr. Lambert came to City Staff with. After some assistance from staff and Robert Morley, Mr. Lambert has made applications for a Variance, Rezone, and Conditional Use Permit. As he understood, there would be no new demands on the property.

Alex Holton, 590 6th Street, said he was here for his neighbors, Everett and Loretta Hopkins. Their residence abuts the subject property. They sent in a letter for the Planning Commission. Mr. Holton said that they had no problem with the rezoning, they just have problems with the parking. They were wondering if there could be a sign posted as a stipulation. Their driveway does look like parking for the office, because there is no setback.

Robert Finely, 555 Pine Street, wanted to direct his comments after he heard what staff had to say.

Ms. Laughlin went over City of Elko Staff Report dated July 15, 2019. Staff recommended approval with the conditions and findings in the staff report.

Mr. Thibault recommended approval, pending approval of the variance.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff. The Planning Commission has heard one issue with regard to the adjacent parking area. It might be acceptable to put up a private sign that says “No Parking”, which would be maintained by the property owner, and maybe an additional sign that says “Parking in Rear.”

Ms. Laughlin mentioned that in City Code it is a violation to block a drive way. The street is a public right-of-way, so the public can park anywhere on the street, they just can’t block the neighbor’s driveway. If the issue has been people pulling into, or blocking, the driveway then that should be addressed.

Commissioner Tera Hooiman said there was private parking in the back and parking along 6th Street and also parking along Pine Street. She asked how many parking spaces in total that was.

Ms. Laughlin explained that the parking that is required for the building is required to be onsite, not on the street. They are required four off-street parking spaces for the property, with one of those being handicap, which would require an access isle. The width of five parking spaces is required and what is being provided on the property.

Commissioner Hooiman asked where Ms. Hopkins’ home was located in relation to this property.

Ms. Laughlin said it was the one right next door with the red roof.

Mr. Lambert said with regards to the parking issue with the neighbor. He spoke with Loretta in May and she brought up one instance where someone was blocking their driveway. Mr. Lambert said he would be happy to do anything Ms. Hopkins asks.

Robert Finley asked with the rezoning if the business had to stay the same, or if it could be torn down and multi-story office building be built there.

Ms. Laughlin explained that under the Residential Office zoning district the principal permitted use is residential. The Conditional Uses Permitted are small scale offices. If the property were torn down it would need to meet the requirements of the Residential Office zoning district. There are zoning requirements for height restrictions, setback restrictions, and other restrictions; those would all have to be met with any new development.

Mr. Finley said his primary concern was that this is a pristine historic part of Elko and he would hate to see a multi-story office building go up.

Ms. Laughlin pointed out that the parking wouldn’t be able to be provided that is required by Code, unless the entire block was turned into parking.

Mr. Wilkinson said traditionally the Conditional Use Permit runs with the land. This CUP is for this building, not another building. If it’s approved, this building with a professional office use inside the existing building is what is envisioned going forward. If they want to change that they

would be required to get a new CUP, in addition to meeting all the code requirements, which would be very difficult because of the size of the property.

Commissioner Montgomery thought they could require a sign by the Hopkins' driveway that says "Residential Parking Only."

Mr. Wilkinson said if that is a condition it will need to be specific, or allow the City Planner to determine what would be appropriate to satisfy that condition.

Mr. Thibault suggested that any conditions regarding the sign might be more appropriate associated with the Conditional Use Permit, rather than the Rezone that is being discussed.

Ms. Laughlin further explained the reasoning and agreed with Mr. Thibault.

***** Motion: Forward a recommendation to City Council to adopt a resolution, which approves Rezone No. 3-19, subject to the conditions listed in the City of Elko Staff Report dated July 15, 2019, listed as follows:**

- 1. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property.**
- 2. A variance be granted for the interior side yard setback for the principal structure.**

Commissioner Beck's findings to support the recommendation were that the proposed zone district is in conformance with the Land Use Component of the Master Plan. Residential Office is a corresponding district of Residential Medium Density. The proposed zone district meets Objectives 2 and 4 of the Land Use Component of the Master Plan. The proposed rezone is consistent with the Transportation Component of the Master Plan. The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system. The proposed zone district and continued commercial land use of the property conforms to the Redevelopment Plan. The proposed rezone is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City Wells. The property does not conform to Section 3-2-4 of City Code. As a result of the above referenced non-conformance issues, the applicant has applied for variance on the interior side yard setback under Variance application 3-19. Approval of the variance application is required as a condition of the zone application. The proposed rezone is not in conformance with Section 3-2-5(R) Residential Office, a variance for interior side setback will be required prior to approval of the application. The property as developed is in conformance with City Code 3-2-17 for the principal permitted use as a single family residence. If the property is issued a conditional use permit to be developed as an office use, it will be required to provide off-street parking to be located at the rear of the property and accessed from the alley way. The applicant will be required to provide ADA compliant parking as part of the off-street parking requirement. The parcel is not located within a designated Special Flood Hazard Area. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety. The proposed rezone is consistent with surrounding land uses.

Moved by Stefan Beck, Seconded by Gratton Miller.

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

2. Review, consideration, and possible action on Variance No. 3-19, filed by John and See Lambert as Trustees of the Lambert Family Trust, for a reduction of the required interior side yard setback from 10' to 0' for a professional office in an RO (Residential Office) Zoning District, in conjunction with a Zone Change Application, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north corner of the intersection of 6th Street and Pine Street. (603 Pine Street - APN 001-231-009)

Ms. Laughlin went through City of Elko Staff Report dated July 17, 2019. Staff recommended conditional approval with the conditions and findings listed in the staff report.

Ms. Rambo had no comments or concerns

Mr. Thibault, Mr. Holmes, and Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Conditionally approve Variance No. 3-19 subject to the conditions in the City of Elko Staff Report dated July 17, 2019, listed as follows:**

1. **Approval of rezone application 3-19.**
2. **No additional structures to be built between the existing building and the interior side property line.**

Commissioner Montgomery's findings to support the motion were that the variance approval is in conformance with the Land Use Component of the Master Plan. The property is located within the Redevelopment Area and the proposed variance and continuation of the existing established business conforms to the Redevelopment Plan. Approval of Variance 3-19, in conjunction with approval of Rezone 3-19, will bring the property into conformance with Section 3-2-5 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, restricting the applicants ability to improve upon and/or transfer the property. The special circumstance does not generally apply to other properties, which are within a properly zoned residential district with residential land uses. 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 the use of the property as a small scale commercial use. 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 and the granting of the variance will not impair natural resources.

Moved by Ian Montgomery, Seconded by Stefan Beck.

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

3. Review, consideration, and possible action of Conditional Use Permit No. 6-19, filed by John and See Lambert as Trustees of the Lambert Family Trust, which would allow for a professional office within an RO (Residential Office) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north corner of the intersection of 6th Street and Pine Street. (603 Pine Street - APN 001-231-009)

Ms. Laughlin went over City of Elko Staff Report dated July 17, 2019. Staff recommended conditional approval with the findings and conditions listed in the staff report.

Mr. Thibault recommended approval as presented.

Mr. Holmes and Mr. Wilkinson recommended approval.

***** Motion: Conditionally approve Conditional Use Permit No. 6-19 subject to the conditions in the City of Elko Staff Report dated July 17, 2019, and an additional condition from the Planning Commission, listed as follows:**

1. **CUP 6-19 shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.**
2. **The CUP 6-19 to be recorded with the Elko County Recorder within 90 days after**
3. **The permit is granted to the applicant John and See Lambert as Trustees of the Lambert Family Trust for the use of a professional office.**
4. **The permit shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.**
5. **Conditional approval of Variance 3-19 and all conditions be met.**
6. **Conditional approval of Rezone 3-19 and all conditions be met.**
7. **Sign to be placed on the property to help with parking, as determined by the City Planner.**

Commissioner Montgomery's findings to support the motion were that the proposed conditional use under the conditionally approved Residential Office district is consistent with the Land Use Component of the Master Plan. The proposed conditional use permit is consistent with existing land uses in the immediate vicinity. The proposed conditional use

permit meets Objectives 2 and 4 of the Land Use Component of the Master Plan. The proposed Conditional use is consistent with the Transportation Component of the Master Plan. The proposed use, intensity of use, and limitation of intensity of use will not create any significant cumulative issues on the existing transportation system. The proposed conditional use permit and continuation of the existing business conforms to the Redevelopment Plan. The proposed conditional use is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the RO-Residential Office zoning district do not present hazards to City Wells. The proposed use of the property requires a conditional use permit to conform to Section 3-2-3 of City Code. The proposed use, based on approval of Variance 3-19, conforms to Section 3-2-4 of City Code. The proposed conditional use is in conformance with Section 3-2-5(F)(3), off-street parking to be located at the rear of the property and ingress/egress from the alley way to support the proposed conditional use. The parcel is not located within a designated Special Flood Hazard Area. Development under the proposed conditional use will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains, etc. or pose a danger to human health and safety. The proposed conditional use is consistent with surrounding land uses.

Moved by Ian Montgomery, Seconded by Stefan Beck.

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

4. Review, consideration, and possible action of Conditional Use Permit No. 7-19, filed by Petersen Holdings LLC, which would allow for the development of a facility that provides maintenance and repairs to automobiles within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south corner of the intersection of 12th Street and Railroad Street. (285 12th Street & 1120 Railroad Street - APN 001-363-003 & 001-363-006)

Ms. Laughlin explained that there was an email request from the applicant asking for the item to be tabled until next meeting.

*****Motion: Table Conditional Use Permit No. 7-19.**

Moved by Gratton Miller, Seconded by Stefan Beck.

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

5. Review, consideration, and possible action on an amendment to 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 11th Street and College Avenue. (1297 College Avenue - APN 001-191-001 & 001-191-004).

Jojo Lostra, 591 13th Street, wanted to see what was going to be built.

Ms. Laughlin explained that a few months ago this Conditional Use Permit, as well as a Variance application, was on the agenda. They were asking for the building to be set closer to College Avenue, therefore requiring a Variance. After the architect had done some further research, as well as the engineer, it has been determined that there would be some drainage issues. They feel that the building would be better if sets back off of College Avenue further, therefore it would no longer require a Variance. They are proposing a parking area where they were planning to put the new building before. Ms. Laughlin then went over the City of Elko Staff Report dated July 20, 2019. Staff recommended approval with the conditions and findings listed in the staff report.

Ms. Rambo recommended approval.

Mr. Thibault recommended approval as presented

Mr. Holmes and Mr. Wilkinson also recommended approval.

*****Motion: Conditionally approve the revisions to Conditional Use Permit No. 4-19 subject to the conditions in the City of Elko Staff Report dated July 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. Slope stabilization will be required on all slope areas.**
- 4. A Parcel Map for the consolidation of the two parcels be approved and recorded prior to issuing a building permit for the new building.**
- 5. 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 were that 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. 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.

Moved by Ian Montgomery, Seconded by Gratton Miller.

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

III. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that City Council approved the Cambridge Estates Rezone and the Tentative Map.

Ms. Rambo reported that City Council also approved the Copper Trails Final Map and the Performance Agreement, and the public improvements for Autumn Colors were conditionally accepted.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there would be a Redevelopment Agency Meeting on August 13th at 3 o'clock. They would have a full agenda with another application for the Storefront Program, a request for a public private partnership, they will also be reappointing the RAC members, reviewing the budget, and reviewing a request for a donation towards the Art Spot Mural Expo.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

Ms. Rambo announced that the Nevada Section of the American Planning Conference is coming up in October.

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.

Evi Buell, Vice-Chairman

Tera Hooiman, Secretary

DRAFT

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Conditional Use Permit No. 7-19, filed by Petersen Holdings, LLC., which would allow for the development of a facility that provides maintenance and repairs to automobiles within a C (General Commercial) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **September 3, 2019**
3. Agenda Category: **UNFINISHED BUSINESS, PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **Petersen Holdings, LLC is proposing an additional service shop and parking for Big O Tires.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff report**
8. Recommended Motion: **Pleasure of the commission based on the facts and findings as presented in Staff Report dated July 25, 2019**
9. Findings: **See Staff Report dated July 25, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Redevelopment Agency**
12. Agenda Distribution: **Petersen Holdings, LLC
330 11th Street
Elko, NV 89801**

Lana Carter
lanalcarter@live.com

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 9/3

Do not use pencil or red pen, they do not reproduce

Title: Conditional Use Permit No 7-19

Applicant(s): Petersen Holdings, LLC

Site Location: 285 12th St + 1120 Railroad St - APNs 001-363-003 + 006

Current Zoning: C Date Received: 7/16/19 Date Public Notice: 8/23/19

COMMENT: This is to allow for the development of a facility that provided maintenance and repairs for automobiles within a General Commercial Zoning District. This item was labeled at the
If additional space is needed please provide a separate memorandum 8/6 PC meeting

Assistant City Manager: Date: 8/25/19

Recommend consideration of RDA review
& comment in evaluating the application

SAW

Initial

City Manager: Date: 8/26/19

Previous comments from 8/5/19 Flowsheet still valid,
pending input from RDA.

CC

Initial

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 8/6

Do not use pencil or red pen, they do not reproduce

Title: Conditional Use Permit No. 7-19

Applicant(s): Petersen Holdings, LLC

Site Location: 285 12th St + 1120 Railroad St - APNs 001-363-003 + 006

Current Zoning: C Date Received: 7/16/19 Date Public Notice: 7/23/19

COMMENT: This is to allow for the development of a facility that provides maintenance and repairs to automobiles within a C zoning district.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 7/31/19

Recommended denial or tabling of CUP application as presented by staff

SPW

Initial

City Manager: Date: 8/5/19

Application should address design concerns, due to location within RDA. Assuming those concerns are resolved, project appears suitable for location.

CC

Initial



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

MEMO DATE:	July 25, 2019
PLANNING COMMISSION DATE:	August 6, 2019
AGENDA ITEM NUMBER:	II.A.4
APPLICATION NUMBER:	Conditional Use Permit 7-19
APPLICANT:	Petersen Holdings, LLC.
PROJECT DESCRIPTION:	285 12th St & 1120 Railroad St.

Within the C general commercial zoning district, gas stations, businesses where gasoline and oil are sold, including businesses with facilities for repairing or maintaining automobiles are required to obtain a conditional use permit.



STAFF RECOMMENDATION:

PLEASURE OF THE PLANNING COMMISSION, subject to findings of fact as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-363-003 & 001-363-006

PROPERTY SIZE: 33,569 sq. ft., both parcels combined

EXISTING ZONING: C -General Commercial

MASTER PLAN DESIGNATION: (MU-DTWN) Mixed Use Downtown

EXISTING LAND USE: Undeveloped, previous building was demolished

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by developed land to the north, south, west, and east.

PROPERTY CHARACTERISTICS:

The property is generally flat with no unusual conditions.

The property will be accessed from Railroad Street and 12th Street with limited access to and from 12th Street.

The property is not in the floodway and flood zone.

APPLICABLE MASTER PLANS AND CITY CODE SECTIONS:

-) City of Elko Master Plan-Land Use Component
-) City of Elko Master Plan-Transportation Component
-) City of Elko Redevelopment Plan
-) City of Elko Wellhead Protection Plan
-) City of Elko Code 3-2-3 General Provisions
-) City of Elko Code 3-2-4 Establishment of Zoning Districts
-) City of Elko Code 3-2-10 General Commercial (C)
-) City of Elko Code 3-2-17 Traffic, Access, Parking and Loading Regulations
-) City of Elko Code 3-2-18 Conditional Use Permits
-) City of Elko Code 3-8 Flood Plain Management

BACKGROUND INFORMATION

1. The parcels are identified as APN 001-363-003 & 001-363-006.
2. The applicant is the property owner.
3. There is a conditionally approved parcel map (PM 4-18) administratively approved on July 12, 2018 which would combine the two parcels. The conditions on the approval have not been met and therefore the map has not been recorded. The map will expire on July 12, 2020 if not recorded prior to that date.
4. The property is located south of the 12th Street and Railroad Street intersection.
5. The area of the proposed combined parcel is approximately 33,569 square feet.

MASTER PLAN:

Land use:

1. The Master Plan Land Use Atlas shows a portion of the area as Mixed Use Downtown.
2. Objective 2: Encourage revitalization and redevelopment of the downtown area to strengthen its role as the cultural center of the community
3. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity, and overall sustainability.
4. Downtown Mixed Use: This land use designation includes land uses that are located in or close to the historic downtown area. The area will capitalize on the existing fabric of the downtown and its walkable grid system. Mixed-use allows for a variety of land uses, and configurations. Housing or office use may be located within the same structure, with retail use primarily on the first floor.

The proposed conditional use is consistent with the Land Use Component of the Master Plan. The proposed conditional use permit is consistent with existing land uses in the immediate vicinity. The proposed conditional use permit meets Objectives 2 and 4 of the Land Use Component of the Master Plan.

Transportation:

1. The property fronts 12th Street and Railroad Street.
2. 12th Street is classified as a major arterial.
3. Railroad Street is classified as a Commercial/Industrial Collector.
4. Objective 1: Provide a balanced transportation system that accommodates vehicles, bicycles, and pedestrians, while being sensitive to, and supporting the adjacent land uses.
5. Objective 2: Provide a backbone of arterial roadways to emphasize regional vehicle travel and provide adequate capacity to move large traffic volumes, including truck traffic, safely and efficiently.

The proposed conditional use is consistent with the Transportation Component of the Master Plan. There has been discussion with staff and the developer/engineer in regards to the proposed use, intensity of use and limitations of intensity of use which some design elements have been addressed regarding traffic flow ingress and egress onto 12th Street. Other concerns will be listed as conditions or addressed with the submittal for the building and site permits.

CITY OF ELKO REDEVELOPMENT PLAN

1. The property is located within the Redevelopment Area and more specifically the Central Business District.
2. Redevelopment goals and objectives:
 -) To promote and insure public safety and welfare; to eliminate and prevent the spread of blight and deterioration, and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Master Plan, the Redevelopment Plan and local codes and ordinances
 -) To promote and support a pedestrian oriented downtown; and, to achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.

-) To ensure adequate vehicular access and circulation; to retain and sustain existing businesses by means of redevelopment and rehabilitation activities, and encourage cooperation and participation of owners, businesses and public agencies in the revitalization of the Redevelopment Area.
-) To promote historic and cultural interest in the Redevelopment Area; and, encourage investment by the private sector in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment.
-) To achieve Plan conformance and advancement through re-planning, redesign and the redevelopment of areas which are stagnant or improperly used.

It is staff's opinion that the Conditional Use Permit application doesn't provide detail on the elevations that supports the goals and objectives of the Redevelopment Plan in terms of reflecting a high level of concern for architectural and urban design. Therefore, staff feels the proposed conditional use permit is not in conformance with the Redevelopment Plan. The proposed project is located in the Central Business District.

The Redevelopment Agency will be reviewing the application with a recommendation to Planning Commission on August 29, 2019 and that recommendation will be presented to the Planning Commission on August 30, 2019 as part of the agenda packet.

ELKO WELLHEAD PROTECTION PLAN

-) The property is located outside the 30-year capture zone for several City wells.

SECTION 3-2-3 GENERAL PROVISIONS

-) Section 3-2-3 (C) 1 of City code specifies use restrictions. The following use restrictions shall apply.
 1. Principal Uses: Only those uses and groups of uses specifically designated as "principal uses permitted" in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses
 2. Conditional Uses: Certain specified uses designated as "conditional uses permitted" may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance hereinafter specified in this chapter or imposed by the planning commission or city council.
 3. Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

-) Section 3-2-3(D) states that "No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the

particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.”

The proposed use is required to have an approval as a conditional use to be in conformance with ECC 3-2-3 as required in ECC 3-2-10(B).

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS

1. Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
2. Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed use is in conformance with Elko City Code 3-2-4.

SECTION 3-2-10 COMMERCIAL DISTRICTS

1. Section 3-2-10(B)(4) Gas stations. Businesses where gasoline and oil are sold, including businesses with facilities for repairing or maintaining automobiles must obtain a conditional use permit.
2. Height Restrictions: All structures within the C general commercial zoning district must comply with the height and other requirements of the current city airport master plan, to the extent the plan applies to that location.
3. The property does not abut a residential zone so therefore is not subject to the screen wall requirements set forth in subsection 3-2-3(J).
4. Development of the property is required to be in conformance with City code and conditions for the CUP.

The proposed use is in conformance with Elko City Code 3-2-10.

SECTION 3-2-17 TRAFFIC, ACCESS, PARKING AND LOADING REGULATIONS

-) Conformance with this section is required. The proposed facility is in conformance and will be evaluated further with plan submittal.

The proposed use conforms to section 3-2-17 of Elko city code.

SECTION 3-2-18 CONDITIONAL USE PERMITS

General Regulations:

1. Certain uses of land within designated zoning districts shall be permitted as principal uses only upon issuance of a conditional use permit. Subject to the requirements of this chapter, other applicable chapters, and where applicable to additional standards established by the Planning Commission, or the City Council, a conditional use permit for such uses may be issued.

2. Every conditional use permit issued, including a permit for a mobile home park, shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
3. Every conditional use permit issued 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.
4. Conditional use permits shall be reviewed from time to time by City personnel. Conditional use permits may be formally reviewed by the Planning Commission. In the event that any or all of the conditions of the permit or this chapter are not adhered to, the conditional use permit will be subject to revocation.

The applicant is in conformance with 3-2-18 by submission of this application.

SECTION 3-8 FLOOD PLAIN MANAGEMENT

1. The parcel is not located within a designated flood plain.

FINDINGS

1. The proposed development is in conformance with the Land Use component of the Master Plan
2. The proposed development is in conformance with the existing transportation infrastructure and the Transportation component of the Master Plan.
3. The proposed conditional use permit is not in conformance with goals and objectives listed in the Redevelopment Plan.
4. The site is suitable for the proposed use.
5. The proposed development is in conformance with the City Wellhead Protection Program.
6. The proposed use is consistent with surrounding land uses.
7. The proposed use is in conformance with City Code 3-2-10 (B) General Commercial with the approval of the Condition Use Permit
8. The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-8 and 3-2-18 of the Elko City Code.

STAFF RECOMMENDATION:

Pleasure of the Planning Commission:

RECOMMENDED CONDITIONS:

1. The conditional use permit is granted to the property owner allowing for the development of a businesses with facilities for repairing or maintaining automobiles.
2. The permit shall be personal to the property owner 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. The conditional use permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property in use for which the permit was issued.
4. Landscaping is required along 12th Street and Railroad Street. The landscaping may include, but is not limited to, screen planting, lawns, trees, shrubs, fences and walls. Drought tolerant, low maintenance species, in conjunction with decorative hard surface materials may also be used. All landscaping shall be maintained in a manner acceptable to the City of Elko at all times.
5. The Conditional Use Permit is to be recorded with the Elko County Recorder within 90 days after the commencement of construction.
6. Access to the property from 12th Street shall be limited to right in, right out. Public Works would like to see the median curb extended to Silver for safety reasons or a pork chop style median installed at the driveway to only allow for the right in right out turn movements on 12th street.
7. No outside storage of materials is allowed unless it is behind screen-wall or fencing. The screen fencing must have a 95% or better visibility blockage.
8. On street storage of vehicles is prohibited.
9. Applicant will be responsible to maintain cleanliness at all times.
10. Parcel map 4-18 must be recorded prior to issuance of a building permit.

develop, and proceed with necessary specific plans, projects, and solutions.

In general, the goals and objectives of the redevelopment program in the Redevelopment Area are as follows:

1. To promote and insure public safety and welfare; to eliminate and prevent the spread of blight and deterioration, and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Master Plan, the Redevelopment Plan and local codes and ordinances.
2. To promote and support a pedestrian oriented downtown; and, to achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
3. To benefit, sustain and support the visual enhancement and beautification; and to minimize unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of the Redevelopment Area, the City and its citizens.
4. To ensure adequate vehicular access and circulation; to retain and sustain existing businesses by means of redevelopment and rehabilitation activities, and encourage cooperation and participation of owners, businesses and public agencies in the revitalization of the Redevelopment Area.
5. To promote historic and cultural interest in the Redevelopment Area; and, encourage investment by the private sector in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment.
6. To respect the efforts and accomplishments of the past; and, encourage maximum participation of residents, business persons, property owners, and community organizations in the redevelopment of the Redevelopment Area through enduring public/private partnerships.
7. To achieve Plan conformance and advancement through re-planning, redesign and the redevelopment of areas which are stagnant or improperly used.

Redevelopment of the Redevelopment Area pursuant to this Redevelopment Plan and the above goals and objectives will attain the purposes established within the City's Master Plan and Nevada Revised Statutes Chapter 279 by:

- (1) The elimination of blighting influences and the correction of environmental deficiencies including among others, buildings in which it is unsafe for persons to live or work, incompatible and uneconomic land uses, and small and/or irregular lots.
- (2) The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation.
- (3) The re-planning, re-design, and redevelopment of areas which are stagnant or improperly used in ways which could not be accomplished solely by private enterprise without public participation and assistance.
- (4) The provision of opportunities for participation by owners and tenants in the revitalization of their properties.
- (5) The strengthening of retail and other commercial functions within the Redevelopment Area.
- (6) The strengthening of the economic base of the Redevelopment Area by stimulating new investment.
- (7) The expansion of employment opportunities.
- (8) The provision of an environment for social and economic growth.
- (9) The expansion and improvement of housing for low and moderate income persons through research, policies, financial programs and standards.
- (10) The installation of new, or replacement of existing public improvements, facilities, and utilities in areas which are currently inadequately served in regard to such improvements, facilities, and utilities.
- (11) Other means as deemed appropriate.

Conditional Use Permit 7-19 Petersen Holdings, LLC -PC 2

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001362008	AGUILAR, MARTIN & MARIA DOLORES		1019 SILVER ST	ELKO NV	89801-3936
001366002	ALVARADO, JESUS & MARIA E		623 MONROE WAY	ELKO NV	89801-4333
001363002	ANCO LLC	C/O LAURIE ANDREWS	8221 ALPINE AVE	SACRAMENTO CA	95826-4708
001363001	ANCO LLC	C/O LAURIE ANDREWS	8221 ALPINE AVE	SACRAMENTO CA	95826-4708
001362007	CHARLES H CHESTER PLUMBING AND	HEATING	PO BOX 278	ELKO NV	89803-0278
001293001	ELKO CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001286008	FLOREZ, MARIAM I		117 WOODS CT	ELKO NV	89801-3004
001293002	GARLINGTON, WAYNE & TREVA M		4001 MAIN ST STE 50	VANCOUVER WA	98663-1888
001293003	GR&R DEVELOPMENT	C/O GILBERT M ASHIKAWA	PO BOX 727	KEALAKEKUA HI	96750-0727
001366011	GRISWOLD, RICHARD A & MADELINE C		3190 SCENIC VIEW DR	ELKO NV	89801-2562
001366012	GRISWOLD, RICHARD A & MADELINE C		3190 SCENIC VIEW DR	ELKO NV	89801-2562
001286004	HANLEY, NANCY C		685 W BIRCH ST	ELKO NV	89801-7811
001286009	HAYES, GERTRUDE M TR	C/O KIRKHAM, DELYNE	295 SPRINGFIELD PKWY	SPRING CREEK NV	89815-5545
001371003	HUNT NEVADA PROPERTIES LLC		5750 S WATT AVE	SACRAMENTO CA	95829-9349
001371002	HUNT NEVADA PROPERTIES LLC		5750 S WATT AVE	SACRAMENTO CA	95829-9349
001371001	HUNT NEVADA PROPERTIES LLC		5750 S WATT AVE	SACRAMENTO CA	95829-9349
001286005	JENSEN, STEWART A & ARDIS A TR		1437 W HEATHER GLEN DR	SAINT GEORGE UT	84790-4938
001374002	LIPPARELLI, BARRY W & LYNN M ETA		517 IDAHO ST	ELKO NV	89801-3756
001374001	MCCONNELL, JOEL A TR ET AL		1832 SEQUOIA DR	ELKO NV	89801-1612
001286006	NAPA KEENELAND LLC		350 N 9TH ST STE 200	BOISE ID	83702-5469
001362003	NEGRETE, JOSE R SR TR		1039 COMMERCIAL ST	ELKO NV	89801-3949
001362002	NEGRETE, JOSE R SR TR		1039 COMMERCIAL ST	ELKO NV	89801-3949
001363005	ODEH, FOUAD & REEM		2091 RUSSELL DR	ELKO NV	89801-2666
001362012	PENROD, VIVIAN EILEENTR		295 SKYLINE DR	ELKO NV	89801-2553
001286007	PETERSEN HOLDINGS LLC		330 11TH ST	ELKO NV	89801-3915
001366003	SIMPLE MAN SOLUTIONS LLC		661 ELKO SUMMIT DR	ELKO NV	89801
001285005	VAUGHN INDUSTRIAL PARK		316 CALIFORNIA AVE # 12	RENO NV	89509-1650
001280001	VAUGHN INDUSTRIAL PARK		316 CALIFORNIA AVE # 12	RENO NV	89509-1650
001363007	VICTORY COMMUNITY CHURCH		159 GLEN BRIER DR	SPRING CREEK NV	89815-5728
001290RRL					
006090					

22

Postmarked 8/22/19

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a series of public hearings on Tuesday, September 3, 2019 beginning at 5:30 P.M. P.D.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative.

The specific item to be considered under public hearing format is:

- **Conditional Use Permit No. 7-19, filed by Petersen Holdings, LLC, which would allow for the development of a facility that provides maintenance and repairs to automobiles within a C (General Commercial) Zoning District, and matters related thereto. The subject property is located generally on the south corner of the intersection of 12th Street and Railroad Street. (285 12th Street & 1120 Railroad Street - APN 001-363-003 & 001-363-006)**

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY PLANNING COMMISSION



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 phone * (775) 777-7119 fax

APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL

APPLICANT(s): Petersen Holdings, LLC

(Applicant must be the owner or lessee of the proposed structure or use.)

MAILING ADDRESS: 330 11th Street, Elko Nevada 89801

PHONE NO. (Home) _____ (Business) 775-738-2877

NAME OF PROPERTY OWNER (If different): Same as Applicant

(Property owner's consent in writing must be provided.)

MAILING ADDRESS: _____

LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):

Parcel 4 of File No. 237417 and Parcel 2 of File No. 595245

ASSESSOR'S PARCEL NO.: 001-363-003 and 001-363-006

Address 285 12th St and 1120 Railroad Street, Elko Nevada

Lot(s), Block(s), & Subdivision N/A Or Parcel(s) & File No. Same as above

RECEIVED

JUL 16 2019

FILING REQUIREMENTS

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$750.00 non-refundable fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the proposed conditional use permit site drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information that shows the use will be compliant with Elko City Code.

Elevation Plan: Elevation profiles including architectural finishes of all proposed structures or alterations in sufficient detail to explain the nature of the request.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this conditional use permit application.

1. Current zoning of the property:

C (Commercial).

2. Cite the provision of the Zoning Ordinance for which the Conditional Use Permit is required:

3-2-10 B. 4 Conditional Uses Permitted. Gas stations. Businesses where gasoline and oil are sold, including businesses with facilities for repairing or maintaining automobiles.

3. Explain in detail the type and nature of the use proposed on the property:

The proposed use of the properties is an additional service shop and parking for Big O Tires. The proposed service shop will be approximately 5530 square feet. The main proposed two-way access is from Railroad Street. A right in only, right out only access from 12th Street is proposed and will be controlled by the installation of a glue down median curb on 12th Street with location and configuration per coordination with City of Elko Public Works. Twenty-one standard parking spaces and two accessible spaces are proposed. A sign meeting the requirements of Chapter 9 Sign Regulations is proposed on the property at the corner of 12th Street and Railroad Street.

4. Explain how the use relates with other properties and uses in the immediate area:

There are several automobile service related businesses adjacent or across the street from this property to include Big O Tires, Napa Auto Parts and Al Park Petroleum. Other non-auto service businesses in the area are commercial in nature. The property is not abutting any residential properties.

5. Describe any unique features or characteristics, e.g. lot configuration, storm drainage, soil conditions, erosion susceptibility, or general topography, which may affect the use of the property:

Currently there are two properties included in the proposed conditional use permit. These properties are to be combined into one through the parcel map process. It is our understanding from review of this parcel map by City Staff that the remaining public improvements along the Railroad Street right of way must be installed.

The fire service connection and water service connection are proposed from 11th street in existing utility easements to the existing 10-inch water line in 11th street. If water lines were extended along the Railroad Street and 12th Street frontages of these two properties there are no existing waterlines in Railroad Street or 12th Street to connect to. Additionally, existing properties in the area are currently served from other existing lines so it appears that extending the water along the property frontage would serve no purpose. Therefore, the intent is to request a waiver for the requirement to install of water line along the frontages.

6. Describe the general suitability and adequacy of the property to accommodate the proposed use:

The property is adequate for the proposed use as it is large enough to accommodate the use and adequate the infrastructure for this is use is available.

7. Describe in detail the proposed development in terms of grading, excavation, terracing, drainage, etc.:

The property will be graded to drain southwesterly towards 12th Street. The design standards for City of Elko storm water management will be followed to address storm water leaving the site. The property is relatively flat and will not require mass grading or terracing.

8. Describe the amounts and type of traffic likely to be generated by the proposed use:

The traffic generated by tire services shops is approximately 4.15 vehicles per 1000 sf of shop = 21 vehicle trips per peak hour. The proposed two-way access is from Railroad Street. A right in only, right out only access from 12th Street is proposed and will be controlled by the installation of a glue down median curb with location and configuration per coordination with City of Elko Public Works.

9. Describe the means and adequacy of off-street parking, loading and unloading provided on the property:

Twenty-one standard parking spaces and two accessible spaces are proposed. This is in excess of the 7 standard parking spaces and one accessible space required by code.

10. Describe the type, dimensions and characteristics of any sign(s) being proposed:

A sign meeting the requirements of Chapter 9 Sign Regulations is proposed on the property at the corner of 12th Street and Railroad Street.

11. Identify any outside storage of goods, materials or equipment on the property:

None

12. Identify any accessory buildings or structures associated with the proposed use on the property:

None

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

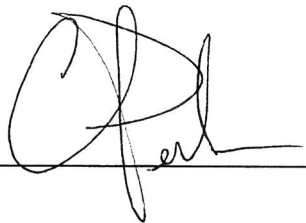
Applicant / Agent Chuck Petersen
(Please print or type)

Mailing Address 330 11th St
Street Address or P.O. Box

ELKO NV 89801
City, State, Zip Code

Phone Number: (775) 340-2391

Email address: ~~Chuck Petersen@~~ petersenchuck@yahoo.com

SIGNATURE: 

FOR OFFICE USE ONLY

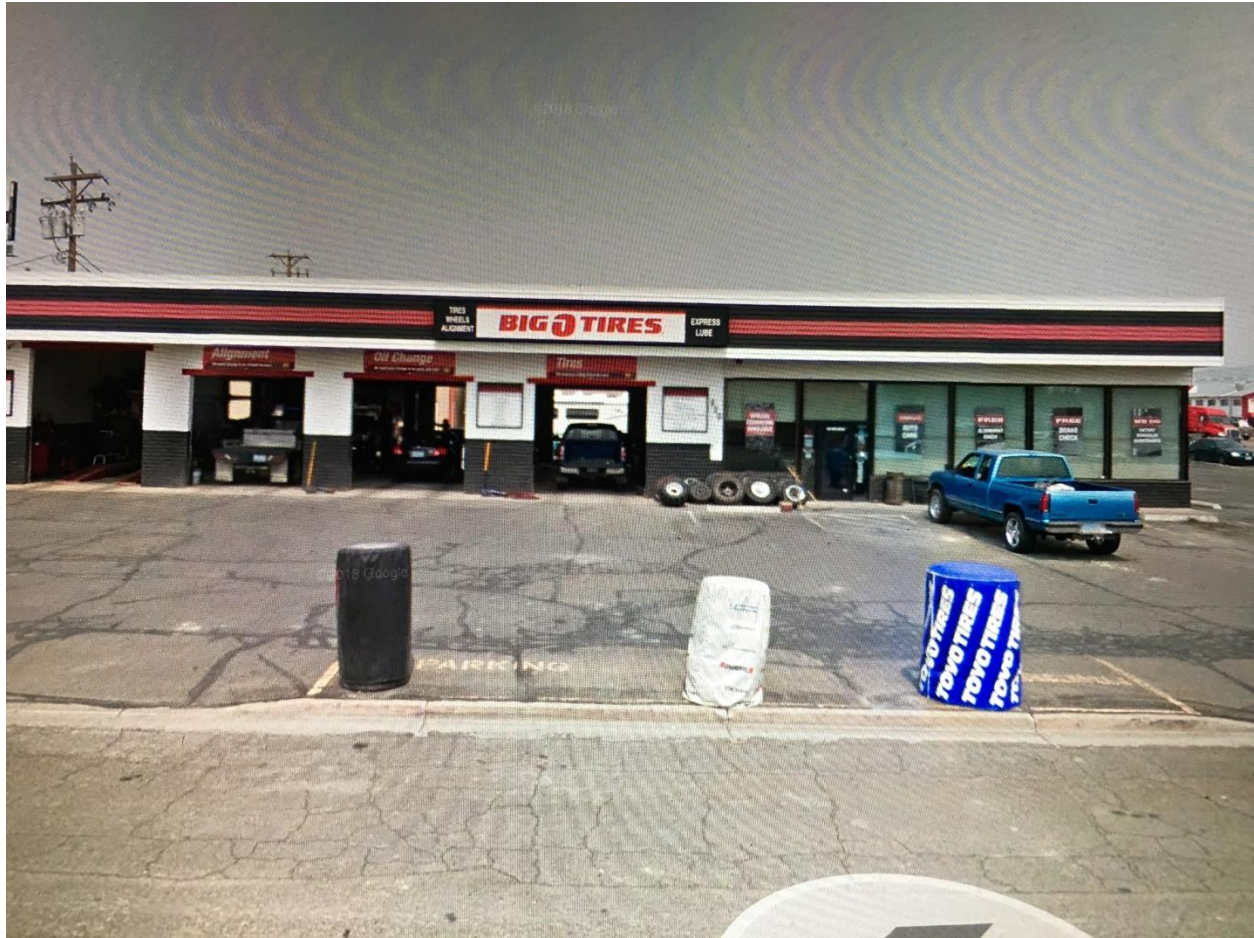
File No.: 7-19 **Date Filed:** 7/16/19 **Fee Paid:** \$750 **CX#** 1554



Current AFTER Photo

Current Store AFTER Renovation and Upgrades

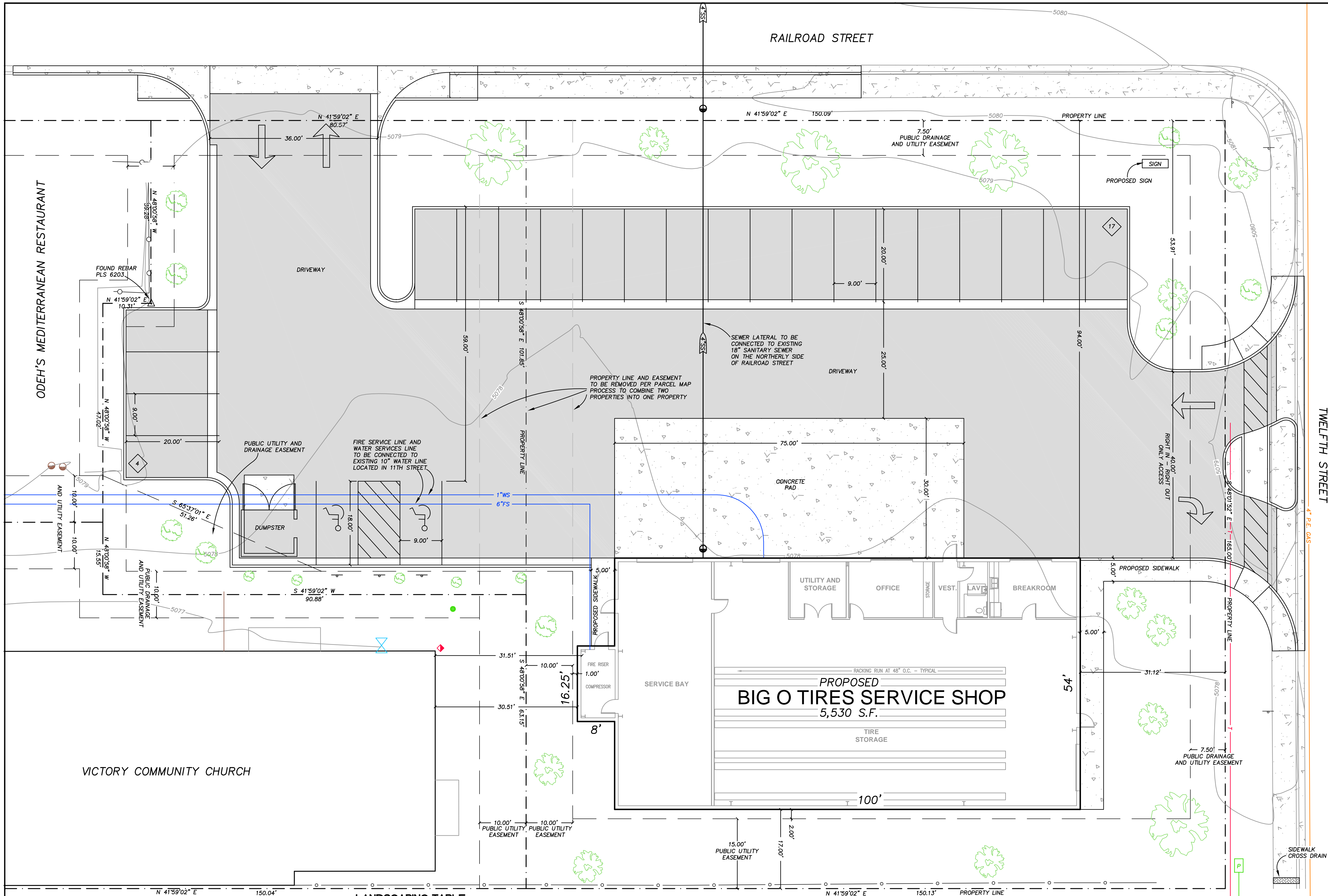




BEFORE 2019 Renovations



This Current Tire Storage will be demolished and the area paved



PROJECT INFORMATION

1. ZONING: C - COMMERCIAL
2. APN = 001-363-003 AND 001-363-006
3. PARCEL ADDRESS = 285 12TH STREET AND 1120 RAILROAD STREET, ELKO, NEVADA 89801
4. LEGAL DESCRIPTION = PARCEL 4 OF FILE NO 237417 AND PARCEL 2 FILE NO 595245 IN THE OFFICE OF THE ELKO COUNTY RECORDER.
5. AREAS:
PARCEL 4 = 0.569 AC. OR 24,786 S.F.
PARCEL 2 = 0.203 AC. OR 8,851 S.F.
6. SET BACK:
FRONT YARD = 0 FEET
SIDE YARD = 0 FEET
BACK YARD = 0 FEET
7. TOPOGRAPHIC SURVEY BY CHILTON ENGINEERING PERFORMED ON MARCH 12TH, 2013.

LANDSCAPING TABLE

LANDSCAPE REQUIREMENTS PER CITY OF ELKO CODE 3-2-10 B. 2. a (COMMERCIAL ZONE).

- a. FOR EVERY NEW CONSTRUCTION IN THE C GENERAL COMMERCIAL ZONING DISTRICT WHICH IS OUTSIDE OF THE CENTRAL BUSINESS DISTRICT (CBD), MINIMUM LANDSCAPE AREA SHALL BE PROVIDED IN AN AMOUNT EQUAL TO FIFTEEN PERCENT (15%) OF THE SURFACE AREA OF THE DEVELOPED PORTION OF THE PROPERTY FOR LOT SIZES ONE ACRE OR GREATER AND TEN PERCENT (10%) OF THE SURFACE AREA OF THE DEVELOPED PORTION OF THE PROPERTY FOR LOT SIZES SMALLER THAN ONE ACRE, TO INCLUDE PROPERTY CONSISTING OF MULTIPLE PARCELS WHICH FORM A SINGLE DEVELOPMENT.

DEVELOPED AREA = 33,637 S.F. AT 10% = 3,364 S.F. ACRES OF LANDSCAPE REQUIRE FOR COMMERCIAL ZONE.

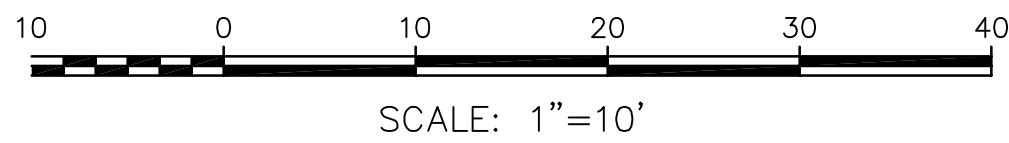
TOTAL PROPOSED PROPOSED LANDSCAPING = 12,320 S.F.

PARKING TABLE

PARKING REQUIREMENTS PER CITY OF ELKO CODE 3-2-17 F.

SERVICE SHOP
5,530 S.F. @ SPACE PER 800 S.F. = 7 SPACES REQUIRED

GRAND TOTAL STANDARD SPACES REQUIRED = 7 SPACES
GRAND TOTAL STANDARD SPACES PROVIDED = 21 SPACES
TOTAL ACCESSIBLE SPACES REQUIRED = 1 SPACES
TOTAL ACCESSIBLE SPACES PROVIDED = 2 SPACES (ALL VAN ACCESSIBLE)



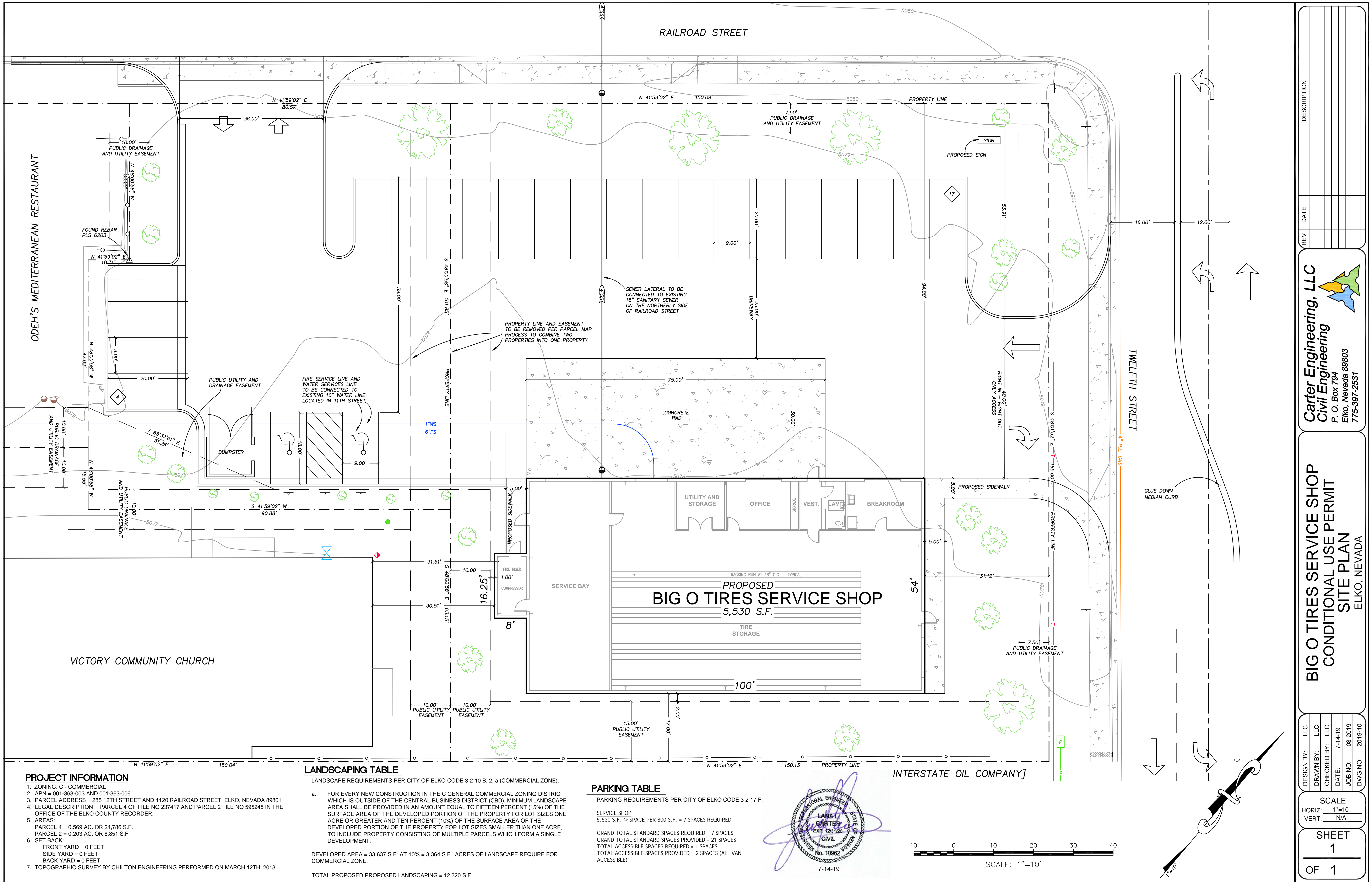
DESIGN BY: LLC		DRAWN BY: LLC		CHECKED BY: LLC		DATE: 8-24-19		JOB NO: 08-2019		DWG NO: 2019-10	
SCALE HORIZ: 1"=10' VERT: N/A											
SHEET 1 OF 1											

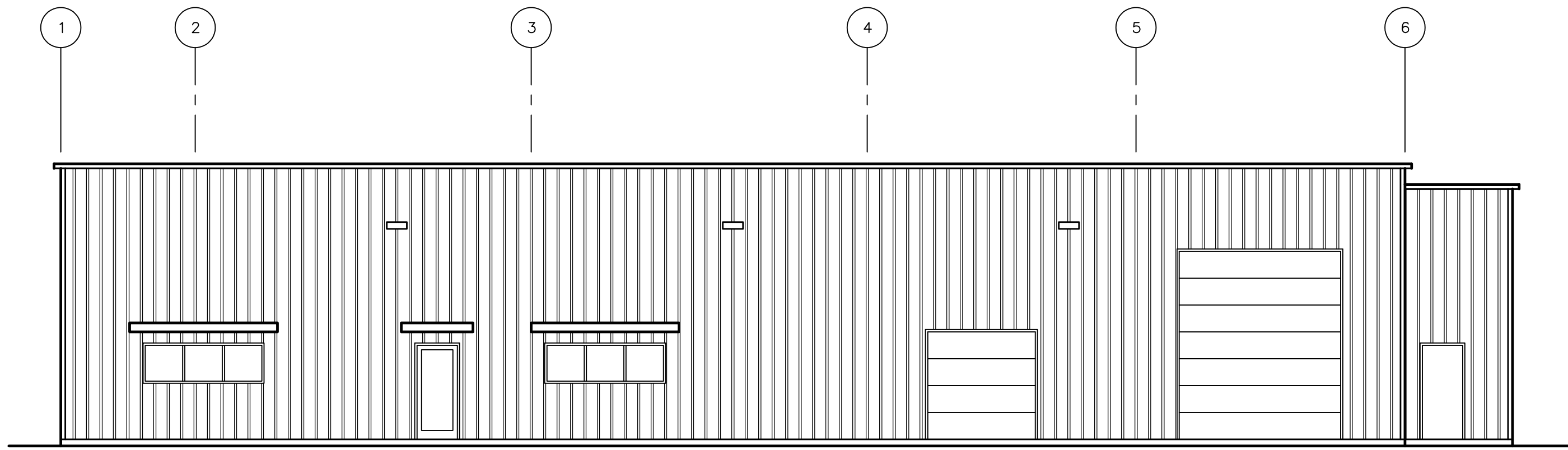
REV	DATE	DESCRIPTION
1	8-23-19	REPLACE MEDIAN CURB WITH FORK CHOP ENTRANCE

Carter Engineering, LLC
Civil Engineering
P. O. Box 784
Elko, Nevada 89803
775-397-2531

BIG O TIRES SERVICE SHOP
CONDITIONAL USE PERMIT
SITE PLAN
ELKO, NEVADA

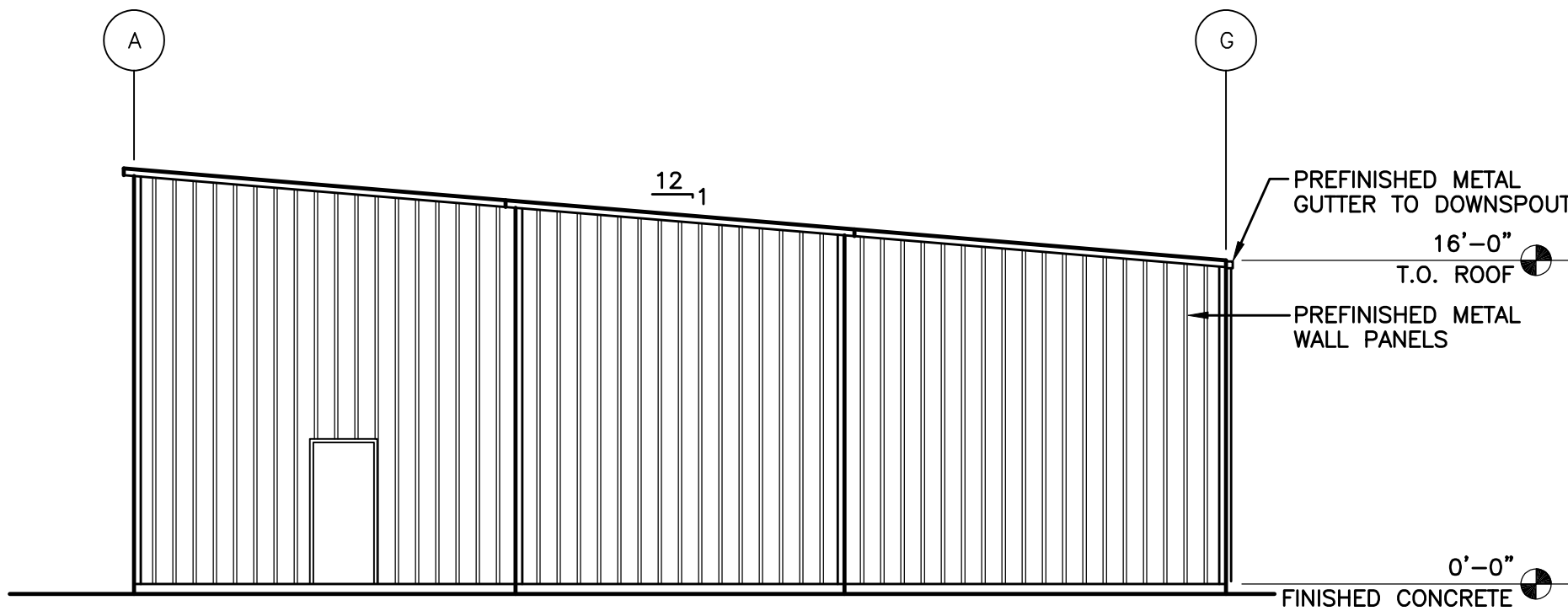






NORTH ELEVATION

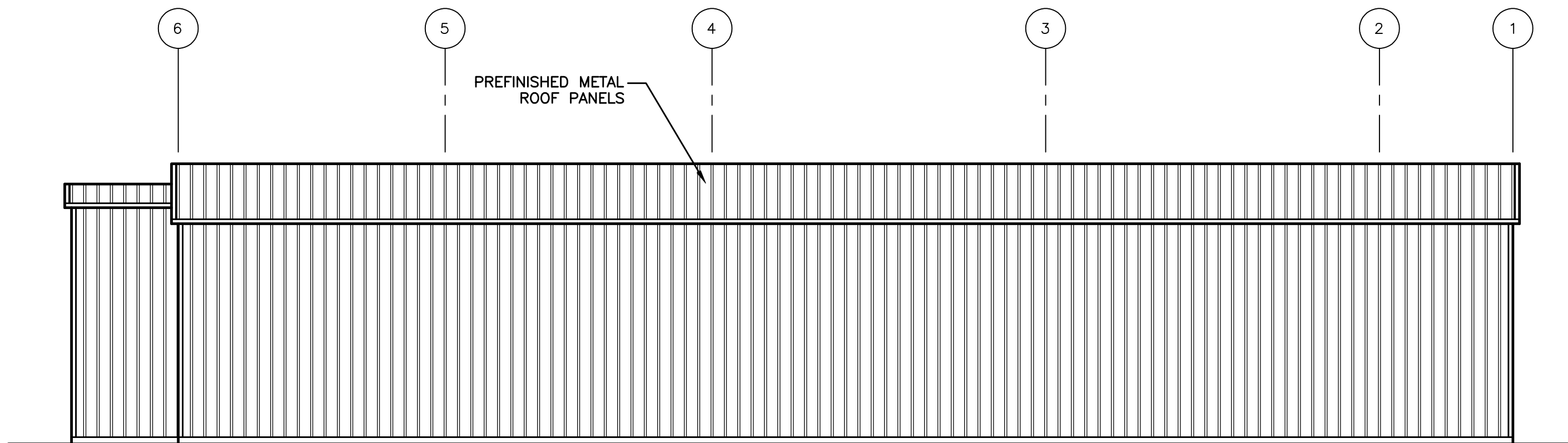
1/8" = 1'- 0"



WEST ELEVATION

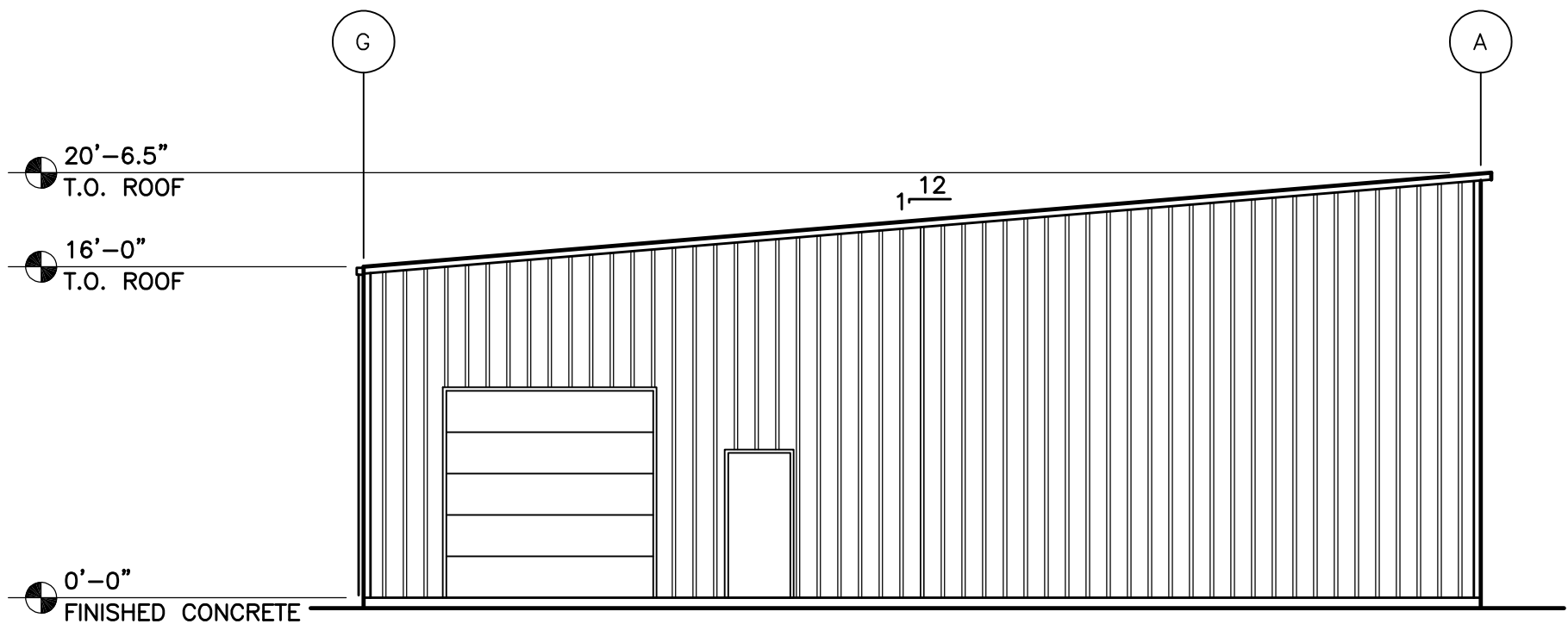
1/8" = 1'- 0"

File Name: 108-elev.dwg
Edit Date: 07-15-19 (12:36:41)



SOUTH ELEVATION

1/8" = 1'- 0"



EAST ELEVATION

1/8" = 1'- 0"

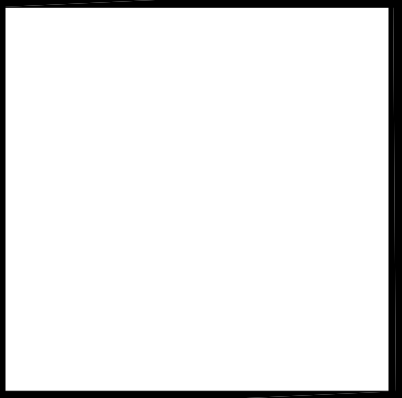
File Name: 10p-a21.dwg
Edit Date: 08-08-18 (10:57:02)

REVISIONS	BY



dra PLC
DESIGN RESOURCES
ARCHITECTS

1014 S. LA POINTE STREET
BOISE, IDAHO 83706
208.343.5511
www.dresarch.com
administrator@dresarch.com





Michael Clay
CORPORATION
www.michaelclay.com

Michael E. Hays, Sr. AIA
1410 E. Elgin St.
Winnetka, NY 89445

Phone: (773) 524-1484
Cell: (773) 524-1483
Fax: (773) 623-8217

NEW SERVICE FACILITY
FOR:
BIG O TIRES
ELKO, NEVADA

DRAWN TJM
CHECKED TJM
DATE MAY 8, 2018
SCALE AS NOTED
JOB NO. 18-110
SHEET A2.1
OF SHEETS

Print Date: 7/15/2019 12:37 PM

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on a transfer of Conditional Use Permit No. 8-95 to a new permittee, filed by Elko Endodontics PLLC, which would allow for a dental office within an R- Single Family and Multiple Family Residential Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **September 3, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **CUP 8-95 was approved on September 8, 1995 for a dental office to be located within an R – Single Family Multiple Family Residential Zoning District. The property was sold to the new applicant on November 2, 2018.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Move to approve the transfer of Conditional Use Permit 8-95 based on facts, findings and conditions as presented in the Staff Report dated August 15, 2019.**
9. Findings: **See Staff Report dated August 15, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Dr. Cameron Oler
Elko Endodontics PLLC
2041 Stadium Blvd.
Twin Falls, Idaho 83301**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 9/3

Do not use pencil or red pen, they do not reproduce

Title: Conditional Use Permit No. 8-95 Transfer

Applicant(s): EIKO Endodontics, PLLC

Site Location: 1260 6th Street - APN - 001-065-002

Current Zoning: R Date Received: 8/13/19 Date Public Notice: N/A

COMMENT: This is to Transfer CUP 8-95 to the new Property Owner, EIKO Endodontics, to allow for the continued use of a Dental Office within an R zoning district.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 8/25/19

No Comments

SAW

Initial

City Manager: Date: 8/26/19

No comments/concerns.

CC

Initial



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7219

CITY OF ELKO STAFF REPORT

MEMO DATE: August 15, 2019
PLANNING COMMISSION DATE: September 3, 2019
APPLICATION NUMBER: CUP 8-95
AGENDA ITEM: II.A.1
APPLICANT: Elko Endodontics PLLC
PROJECT DESCRIPTION: 1260 6th Street

A transfer of conditional use permit 8-95 for new ownership of a Dental Office within an R-Single Family and Multiple Family Residential zoned property.



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to facts, findings, and conditions stated in this memo.

PROJECT INFORMATION

PARCEL NUMBER: 001-065-002

PARCEL SIZE: 7,500 sq. ft.

EXISTING ZONING: (R) Single Family and Multiple Family Residential

MASTER PLAN DESIGNATION: (RES-MD) Residential Medium Density

EXISTING LAND USE: Was developed as Dr. Marvin Conley Dental Office
in 1996 with CUP approval in 1995

NEIGHBORHOOD CHARACTERISTICS:

-) The property is surrounded by:
 - o North, South, West & East: (R) Single and Multiple Family / Developed

PROPERTY CHARACTERISTICS:

-) The property is developed.
-) The property fronts Elm Street and 6th Street.
-) Main door access is off 6th Street.
-) Off Street parking is provided along the side and rear of the building.

BACKGROUND:

1. The parcel is identified as APN 001-065-002.
2. The existing Conditional Use Permit 8-95 was conditionally approved by the Planning Commission on September 8, 1995. There were three conditions stated in the conditionally approved CUP. With the transfer of CUP, the new permittee would be required to comply with the existing conditions.
3. The property was sold to the applicant and recorded on November 2, 2018.
4. CUP 8-95 was recorded with the Elko County Recorder's office, book 906 page 379.
5. CUP 8-95 is specific to dental office and the address of 1260 6th Street. The proposed transfer is not conflicting with the approved use or specific property.
6. The property is located on the easterly corner of 6th Street and Elm Street intersection.
7. The area of the parcel is 7,500 square feet and is not irregular shaped.
8. The existing structure was permitted December 12 1995.

MASTER PLAN AND ELKO CITY CODE SECTIONS:

Applicable Master Plans and Elko City Code Sections are:

-) City of Elko Master Plan – Land Use Component
-) City of Elko Master Plan – Transportation Component
-) City of Elko Redevelopment Plan
-) City of Wellhead Protection Plan
-) City of Elko Zoning – Section 3-2-3 General Provisions
-) City of Elko Zoning – Section 3-2-5(E) R – Single Family Multiple Family Residential District
-) City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
-) City of Elko Zoning – Section 3-2-18 Conditional Use Permit

MASTER PLAN:

Land use:

1. The Master Plan Land Use Atlas shows the area as Medium Density Residential.
2. R- Single Family and Multiple Family Residential is listed as a corresponding zoning district for the Medium Density Residential Land Use.

The transfer of the Conditional Use Permit is in conformance with the Land Use Component of the Master Plan.

Transportation:

1. The property fronts 6th Street and Elm Street.
2. Parking that is provided on site is on the interior side and rear of the property. Permitted in 1995, it met the requirements of 3-2-17 for parking required.

The transfer of the Conditional Use Permit is consistent with the Transportation Component of the Master Plan. The proposed use, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area and therefore the Elko Redevelopment Plan was not considered for the transfer of the Conditional Use Permit.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is located outside any capture zone for City wells.
2. The proposed use of the property and allowed uses under the R- Single Family and Multiple Family Residential zoning district do not present a hazard to City wells.

The transfer of Conditional Use Permit is in conformance with the Wellhead Protection Plan.

SECTION 3-2-3 GENERAL PROVISIONS

) Section 3-2-3 (C) 1 of City code specifies use restrictions. The following use restrictions shall apply.

1. Principal Uses: Only those uses and groups of uses specifically designated as “principal uses permitted” in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses
2. Conditional Uses: Certain specified uses designated as “conditional uses permitted” may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance hereinafter specified in this chapter or imposed by the planning commission or city council.
3. Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

1. Section 3-2-3(C) states that certain specified uses designated as “conditional uses permitted” may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance specified in Chapter 3 or imposed by the Planning Commission or City Council.

2. Section 3-2-3(D) states that “No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.”

The proposed use of the property requires a transfer of the existing conditional use permit to conform to Section 3-2-3 of City code.

The transfer of the existing conditional use permit is in conformance with Section 3-2-3 of City code.

SECTION 3-2-5 R- SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL:

1. Dental Office is not listed as a conditional permitted use under 3-2-5(E)(3).
2. The conditional use permit was approved in 1995 which at the time, made it a legal conforming use. Our current city codes do not allow a dental office within the R zoning district but the building did not remain vacant for 12 months and therefore did not lose its non-conforming status.

The transfer of the existing conditional use permit is not in conformance with Section 3-2-5(E)(3) of City code.

SECTION 3-2-17 TRAFFIC, ACCESS, PARKING AND LOADING REGULATIONS:

1. The original permit issued in 1995 show 9 off street parking spaces provided on site.
2. Dental offices require 1 parking space per 225 square feet of usable floor area. The existing building is 1,566 sq. ft. on the main floor and therefore appears to meet the requirement of 3-2-17 for off street parking.

The transfer of the existing conditional use permit is in conformance with Section 3-2-17 of City code.

SECTION 3-2-18 CONDITIONAL USE PERMITS:

General Regulations:

1. Certain uses of land within designated zoning districts shall be permitted as principal uses only upon issuance of a conditional use permit. Subject to the requirements of this chapter, other applicable chapters, and where applicable to additional standards established by the Planning Commission, or the City Council, a conditional use permit for such uses may be issued.
2. Every conditional use permit issued, including a permit for a mobile home park, shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
3. Every conditional use permit issued 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.

4. Conditional use permits shall be reviewed from time to time by City personnel. Conditional use permits may be formally reviewed by the Planning Commission. In the event that any or all of the conditions of the permit or this chapter are not adhered to, the conditional use permit will be subject to revocation.

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.as conformed to this section of code

FINDINGS

1. The existing conditional use permit is consistent with the Land Use Component of the Master Plan.
2. The existing conditional use is consistent with the Transportation Component of the Master Plan. The proposed use, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.
3. The transfer of Conditional Use Permit is in conformance with the Wellhead Protection Plan.
4. The transfer of the existing conditional use permit is in conformance with Section 3-2-3 of City code.
5. The existing conditional use permit is not in conformance with Section 3-2-5(E)(3) of City code.
6. 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.
7. The property as developed is in conformance with City Code Section 3-2-17 for off street parking requirements.

STAFF RECOMMENDATION:

Staff recommends the Conditional Use Permit 8-95 transfer to new owner, Elko Endodontics PLLC, be **approved** with the conditions as stated in approved CUP 8-95:

1. Business hours to be approximately 7:00 a.m. to 6:00 p.m.
2. No exterior lighting signs permitted.
3. The development must meet fire department requirements.

Planning Department Condition:

1. The permit is granted to the applicant, Elko Endodontics PLLC, for 1260 6th Street for the use of a dental office.
2. The transfer of CUP 8-95 shall be recorded with the Elko County Recorder's office within 60 days after approval.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

August 27, 2019

Elko Endodontics, PLLC
Cameron Oler
2041 Stadium Blvd
Twin Falls, ID 83301

Re: Conditional Use Permit No. 8-95 Transfer

Dear Applicant/Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is the item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

CC:



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 phone * (775) 777-7219 fax

APPLICATION FOR CONDITIONAL USE PERMIT TRANSFER

APPLICANT(s): Elko Endodontics PLLC(Applicant must be the owner or lessee of the proposed structure or use.)MAILING ADDRESS: 2041 Stadium BlvdPHONE NO. (Home) 208 735 2178 (Business) 208 731 1254

NAME OF PROPERTY OWNER (If different): _____

(Property owner's consent in writing must be provided)

MAILING ADDRESS: 2041 Stadium Blvd

LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):

ASSESSOR'S PARCEL NO.: 001-065-002 Address 1260 6th Street Elko NV 89801Lot(s), Block(s), & Subdivision Lot 10-12 Block 113 from 1st Addition

Or Parcel(s) & File No. _____

FILING REQUIREMENTS

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Complete applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: No fee is required.

Note: One .pdf of the entire application must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this conditional use permit transfer.

1. Explain in detail the type and nature of the use proposed on the property:

Dental office - Has been for over twenty years

RECEIVED

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent Elko Endodontics
(Please print or type)

Mailing Address 2041 Stadium Blvd
Street Address or P.O. Box

Twin Falls ID 83301
City, State, Zip Code

Phone Number: 208 731-1254

Email address: XLTCA MBSAOL.COM

SIGNATURE 

FOR OFFICE USE ONLY

File No.: 8-95 Transfer Date Filed: 8/13/19 Fee Paid: No Charge

CONDITIONAL USE PERMIT AGREEMENTFILE NO. 8-95

THIS CONDITIONAL USE PERMIT AGREEMENT, made this 8th day of September, 1995, by the CITY OF ELKO, a municipal corporation of the State of Nevada, acting by and through its duly elected Board of Supervisors, hereinafter referred to as the "City", and Ruth Holferty of the City of Elko, County of Elko, State of Nevada, hereinafter referred to as "Permittee".

W_I_T_N_E_S_S_E_T_H:

That the parties to this Agreement, in consideration of the City's agreement that, if all conditions enumerated below are faithfully performed, it will grant to Permittee a Conditional Use Permit authorizing the use of the following described property in the manner hereinafter set out and, in addition, the Permittee will faithfully perform all conditions enumerated herein, therefore City and Permittee do hereby agree and contract as follows:

I.

That the property which is subject to this Conditional Use Permit is located in the City of Elko, County of Elko, State of Nevada and is more fully described as follows: The property is located at 1260-6th Streets, Lots 10-11-12 Block 113 of the first Addition to the Town of Elko.

II.

That the application for a Conditional Use Permit under Elko City Code 3-2-17 filed by a Permittee on the 19th day of May, 1995, is attached hereto as Exhibit A, incorporated herein and made a part of this Agreement and the terms and conditions thereof are hereby ratified by permittee and City as though the same had been set forth fully in this Agreement.

III.

That the terms and conditions enumerated in this Agreement shall not prevent the City from imposing such other conditions or amending or terminating any of the conditions set forth in this Agreement as may be reasonably necessary in order to promote the health, safety, morals, or general welfare of the City of Elko.

IV.

That the City shall file this Agreement in the Elko County Recorder's Office. That the Permittee shall pay all recording costs incurred thereby.

V.

That this Agreement for a Conditional Use Permit shall be personal to the Permittee and applicable only to the specific use and to the specific property for which it is issued. 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 transferrable and shall run with the land whereupon the maintenance of 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.

VI.

The Board of Supervisors may review the Conditional Use Permit, from time to time, during the terms of this Agreement, and upon them finding that the terms and conditions of this Agreement have not been met, or finding that previous statements or representations by Permittee in Permittee's application or otherwise are not true and correct, the Board of Supervisors of the City may revoke such Conditional Use Permit upon giving fifteen (15) days written notice to Permittee of Permittee's failure to comply with the conditions and requirements of this Agreement.

VII.

That the following conditions and requirements are hereby imposed by the City of Elko in authorizing the issuance of said Conditional Use Permit:

1. Business hours to be approximately 7:00 a.m. to 6:00 p.m.
2. No exterior lighting signs permitted.
3. The development must meet fire department requirements.

This Conditional Use Permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which this permit is issued.

VIII.

It is hereby understood between the City and Permittee that this Agreement does not abrogate the Permittee's duty to obey all applicable federal, state, county and City rules, regulations, statutes, ordinances and laws.

IX.

This instrument contains the entire Agreement between the parties and no statement by either party which is not contained in this written agreement shall be considered valid or binding, and this Agreement may not be altered except in writing signed by the parties hereto.

X.

It is further understood and agreed by the parties hereto that if any part, term, or provision of this Agreement shall be decided by any court to be illegal or in conflict with any federal, state, county or City law, ordinance or statute, the validity of the remaining portions or provisions of this Agreement shall not be affected thereby.

IN WITNESS WHEREOF, the parties hereto have hereunto set
their hands this 8th day of Sept, 1995.

CITY:

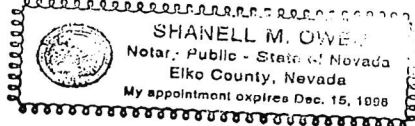
BY Michael J. Franzoia
MAYOR

ATTEST:

Giuliana Murphy
CITY CLERK

STATE OF NEVADA)
COUNTY OF ELKO) SS.

On September 12, 1995, personally appeared before me,
a Notary Public (or judge or other authorized person, as the case may
be), MIKE FRANZOIA, Mayor and GIULIANA MURPHY, City Clerk, City of
Elko, personally known (or proved) to me to be the person whose name
is subscribed to the above instrument who acknowledged that they
executed the above instrument.



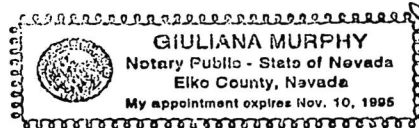
Shanell M. Owen
Signature

PERMITTEE: RUTH HOLFERTY

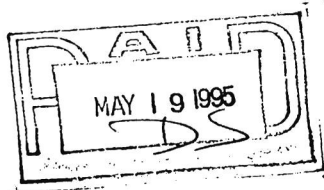
BY Ruth Holferty

STATE OF Nevada)
COUNTY OF Elko) SS.

On Sept 7, 1995, personally appeared before me,
a Notary Public (or judge or other authorized person, as the case may
be), Ruth Holferty, personally known (or proved)
to me to be the person whose name is subscribed to the above
instrument who acknowledged that she executed the above instrument.



Giuliana Murphy
Signature

Applicant: Ruth HolfertyFile No.: 8-95Date Filed: 5/19/95Fee Paid: 75⁰⁰

HEARING DATE:

Planning Commission: June 6, 1995

APPLICATION FOR CONDITIONAL USE PERMIT
ELKO CITY CODE 3-2-18

TO THE PLANNING COMMISSION
 OF THE CITY OF ELKO, NEVADA:

1. The legal owner(s) of said property being petitioned for change (is) (are)

RUTH HOLFERTY

2. Legally described property being petitioned for change: (Give exact legal description including Lot, Block, Track, etc. If more space is needed than has been provided, please put complete description on an additional sheet of paper and attach same to this application).

LOTS 10, 11, 12 BLK 113 FIRST ADDITION CITY OF ELKO

3. Applicant acquired title to such property on:

CURRENT OWNER (Date).

4. The property is situated (Give street address or exterior boundaries of area petitioned for change by streets, alleys, property lines, etc.):

SEE ATTACHED

5. A detailed site plan of the property involved showing the location of all existing and proposed buildings and showing plans and descriptions of the proposed use of property with ground plans and elevations for all proposed buildings is attached hereto and made a part of this petition.

6. Applicant(s) (has) (have) the ability and intention to utilize said Conditional Use Permit within one (1) year from the date of final approval; and the applicant(s) understands that this Conditional Use Permit, if granted, becomes null and void and of no effect if unused within one (1) year from the date of filing of the application, or if at any time after granting, the use is discontinued for a period of six (6) months, or if the applicant(s) fails to comply with conditions and safeguards which are part of the terms under which such permit is granted.

7. When a Conditional Use Permit is granted subject to conditions, such Conditional Use Permit does not become effective until such time as those conditions have been met.

8. Provision of Zoning Ordinance for which the Conditional Use Permit is required:

MEDICAL/DENTAL IN A RESIDENTIAL ZONE

9. Explain in detail the type of use which will be made on this property. If it is a commercial, industrial or public, quasi-public use, including an explanation of the intended operation.

DENTAL OFFICE

10. Is the proposed site adequate in size and topographic characteristics to accommodate the Conditional Use? Explain.

YES

11. Describe in detail the method to be used in development as it may pertain to earth fill or excavation, flood provisions, drainage, terracing or other unusual features.

AS PER CITY CODE REQUIREMENTS

12. In accordance with the Zoning Ordinance, construction will be commenced within one (1) year, or the extension thereof. Is there any reason foreseen which would require an extension?

YES

13. Describe the site including storm drainage, soil conditions, erosion susceptibility, general topography, other distinguishing characteristics and any other features which may affect the use of the property.

AS PER CITY CODE REQUIREMENTS FOR PUBLIC IMPROVEMENTS

14. (a). Will the use entail the use of additional vehicles? YES (EXISTING LOT IS VACANT)

(b). Number: AS PER CODE

15. What provisions have been made for the elimination or reduction of any traffic problems or hazards resulting from increased traffic?

NONE ANTICIPATED

16. (a). Is there sufficient off-street parking available on the site to meet the off-street parking requirements of Elko City Code 3-2-17? YES

(b). Explanation: AS PER CODE

17. (a). If a sign is to be erected give the dimensions of the sign and the type of sign.

YET TO BE DETERMINED

(b). Does the sign meet the requirements of Chapter 5, Title 2 of the Elko City Code? IT WILL

(c). Explanation: _____

18. (a). Will there be any outside storage of goods, materials or equipment at the site? NO

(b). Give a detailed explanation of this type of storage. _____

19. (a). Will there be any accessory building structures whose uses are associated with the general use on the site?

NONE KNOWN

(b). Explanation: _____

20. A nonrefundable filing fee of \$75.00 must accompany this application and filed in the Office of the City Clerk of the City of Elko, 1751 College Avenue, Elko, Nevada 89801.

21. This Application will be referred to the Planning Commission of the City of Elko and a public hearing will be held on such application by such Commission.

22. If the Planning Commission approves the Application, it shall issue a Conditional Use Permit Agreement setting forth all conditions and requirements covering such use and shall make the approved site plan a part of the record of the case.

23. If the Planning Commission denies the permit, notice of the denial, including reasons therefore, shall be mailed to the applicant(s) at the address shown on said Application.

Applicant's Name: RUTh HOLFEATYApplicant's Phone Number: Home 738-0541

Business _____

Applicant's Mailing Address: P.O. BOX 1446 ELKO NV (REALTY 500
Street CORR + 155000.)ELKO NEVADA 89803
City State Zip

I, the applicant(s) (or an authorized agent or employer of Applicant) being first duly sworn deposes and says that all of the above statements contained in the document submitted herewith are true and as to those matters stated on information and belief I believe the same to be true.

Shirley Ann ABENT
Applicant

TO : ELKO CITY PLANNING COMMISSION
FROM: REALTY 500 GURR & ASSOCIATES

I WOULD LIKE TO APPEAR BEFORE YOU ON JUNE 6, 1995 TO REQUEST A
CONDITIONAL USE PERMIT FOR DR. MARVIN CONLEY TO LOCATE A DENTAL
OFFICE IN A RESIDENTIAL ZONE. THE LOCATION OF THE PROPERTY IS
THE SE CORNER OF THE INTERSECTION OF 6th AND ELM STREETS. THE
LEGAL DESCRIPTION IS LOTS 10,11,12 OF BLOCK 113 THE FIRST EDITION
OF ELKO.

THANK YOU

Bert K. Gurr
BERT K. GURR

INDEXED

FEE 16.00 FILE # 372785
FILED FOR RECORD
AT REQUEST OF
City of Elko
SEP 14 P1:40

RECORDED BY 906 PG. 378
JERRY D. REYNOLDS
ELKO CO. RECORDER

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