

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
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

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

City Staff Present: Cathy Laughlin, City Planner
 Bob Thibault, Civil Engineer
 Michele Rambo, Development Manager
 John Holmes, Fire Marshal
 Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

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

*****Motion: Approve the June 4, 2019 meeting minutes.**

Moved by Evi Buell, Seconded by Tera Hooiman.

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

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

*****Motion: Approve the July 2, 2019 meeting minutes.**

Moved by Evi Buell, Seconded by Tera Hooiman.

**Motion passed unanimously.*

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

*****Motion: Approve the August 6, 2019 minutes as presented.**

Moved by Tera Hooiman, Seconded by Evi Buell.

**Motion passed unanimously.*

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)

Chuck Petersen, Big O Tires, 330 11th Street, explained that they have been working on this project, have gone back and forth with it for a couple of years, and have decided to press forward. They are wanting to build a new facility, an addition to their Big O Business for more bays, storage, and parking. The area that it's in is in the Redevelopment Area, which Mr. Petersen wasn't aware of. They needed to meet certain requirements. There was a Special RDA meeting last Friday, in which everyone voted in favor to approve the project.

Chairman Jeff Dalling asked Mr. Petersen to explain what he was planning to do with the empty lot.

A rendering was shown on the overhead.

Mr. Petersen explained that the Planning Department thought that they wanted them to spruce up the building a little bit more. Mr. Petersen said he had been reluctant. One of the reasons was cost. He knew that it wasn't a City issue, it is more of a business issue. To go to the bank and get financing for projects like this, you have to have a set of plans, they have to be appraised, and it all has to be paid for up front. Mr. Petersen said he had already paid for a Phase 1 and 2. A lot of upfront costs have gone into this project. Part of the problem is that it doesn't appraise for what it is going to cost to build it. It appraises for \$200,000 less than it is going to cost. He felt that it was going to be advantageous to his business. His family is from Elko and they have done a lot in the community. They love to do things in the community, but they have to make sense. The

other reason Mr. Petersen thought that this building was a good fit was Al Park, Napa Auto Parts, 11th St. Deli, a church, and the Oil Company are all older metal buildings. In this particular area, this is the last piece of dirt that is really developable, so they feel what they proposed really fits the location and what they are willing to do to enhance the area. They've already torn down an older building on this lot, and they are also planning to demo the building behind their main building. In the last 8 months they have spent \$200,000 on remodeling the original Big O Tires with new stucco, painting, interior, and repaving the parking lot. They are trying to enhance that area as much as possible within reason. There's another building behind the main building that is a service center, it has been repainted to match the main building, and the new building will match as well. They were hoping for the support of the Planning Commission, as they had the support of the RDA.

Chairman Dalling asked if they were going to be doing a zero scape for the landscaping.

Mr. Petersen said it would be more of a zero scape, and not the grass. It will be the same as the car wash; big rocks, nice rocks, shrubs, and trees with it all being irrigated.

Cathy Laughlin, City Planner, went through the City of Elko Staff Report dated July 25, 2019. She recommended if the Planning Commission were to approve the application that they include the condition and findings from the RDA's recommendation. **(Exhibit A)**

Michele Rambo, Development Manager, said as Ms. Laughlin mentioned, staff felt the application did not comply with the goals and objectives of the Redevelopment Plan. Staff still has concerns about that. Because the site is in the Redevelopment Area, which is aimed to lift the area up and make it better overtime. It is not an overnight process, it is a 25 to 30 year process. The metal buildings that are there, probably won't be there in 30 years. They will be replaced with something else. There are incentives within the Redevelopment Plan to promote that. Staff also has concerns with setting a precedent. If we aren't going to follow the Redevelopment Plan what does that do for future developers that come in and not want to follow the Redevelopment Plan? The Redevelopment Agency recommended approval for this application, but the Planning Commission can disagree if they decide to.

Bob Thibault, Civil Engineer, had no additional comments or concerns.

John Holmes, Fire Marshal, had no major concerns. They will need to follow the 2018 International Fire Code. He also mentioned that it would be nice to have the accessory building taken down because of violations in the past. It would be nice to see something new and looking better in that area.

Ms. Laughlin read the Assistant City Manager's and City Managers comments into the record from the Staff Flow Sheets that were included in the Agenda Packet.

Chairman Dalling explained that Mr. Petersen reached out to him and asked for his opinion. Mr. Dalling went out and walked the site with Mr. Petersen. Mr. Petersen showed him the project and that they would be getting rid of the blight of the abandoned lot and taking down the extra shop. Mr. Dalling looked at the project and thought it was a good fit for the downtown. He also went to the RDA meeting and voiced his support for the project, along with Lina Blohm. Technically, this property is right on the edge of the RDA. Mr. Dalling thought the development would make

the lot look that much nicer. It is a metal building that is not gussied up, but it will look nice and fit well with where it's at.

Commissioner Evi Buell asked if the concerns were entirely restricted to the type of business. She asked if the type of business could be modified to fit the Redevelopment Goals.

Ms. Rambo explained that the issue wasn't with the business. The issue is with the architecture of the building. Staff asked to see some small details, like an overhang or some awnings that pop out farther from the building. Staff doesn't have a problem with the metal building as a base. Metal buildings can be very attractive if details are added to them.

Ms. Laughlin explained that staff told Mr. Petersen if he had the car wash proposed here; there would be no conversation about any of this. The car wash is a great looking building, with great details, and it fits into the RDA Plan. If this building was being proposed in the Redevelopment Area outside of the Central Business District, then we wouldn't be having this conversation either. The key element is within the Redevelopment Plan the Central Business District is a defined area that has specific guidelines.

Commissioner Buell asked if this was a judgement call on what is meeting those architectural standards.

Ms. Laughlin said it is. Staff looked at the building itself and the first plan we received didn't have any details on the buildings colors. Staff asked for elevations as part of the application. They said they were changing the band at the bottom from white to grey. Staff looked at it as there is no overhang, there are two windows and a door, and it's just a four sided, single slope metal building.

Commissioner Stefan Beck understood that there was a need for an RDA. He asked if there was a way, without interfering with the rules and regulations of the RDA, to compromise.

Ms. Laughlin explained that the Redevelopment Agency gave Mr. Petersen a variance for meeting the Plan.

Mr. Petersen reiterated that the property was in a unique area of the downtown with it being on the edge of the Redevelopment. He stated that he was for redevelopment. If this lot was more in the downtown, he wouldn't be here asking do to what he was trying to do. As a businessperson you have to weigh the pros and cons. Most of the property is going to be paving. The RDA is giving Stockmen's \$100,000 to redo a parking lot. Mr. Petersen wasn't asking for that. Mr. Petersen said he wasn't going to do any more to the building than what he was proposing.

Chairman Dalling asked what was over the windows and doors on the rendering of the building.

Mr. Petersen said they were the eyebrows.

Chairman Dalling asked if Mr. Petersen was willing to put an awning on the front instead of the eyebrows.

There was further discussion regarding an awning versus the eyebrows.

Mr. Petersen stated that he didn't want it looking too much like a store front, because this won't be the storefront; the other Big O Building is the storefront.

Commissioner Tera Hooiman asked if the only reason for this was so that the building was more aesthetically pleasing.

Ms. Laughlin said it was because the building is in the Central Business District.

Commissioner Hooiman asked if the reason this application was in front of them was because they want the building to be more aesthetically pleasing.

Ms. Laughlin explained that it is required for any auto repair facility within the Commercial District to have a Conditional Use Permit. A Conditional Use Permit can have conditions added to it that are above and beyond what the code requires. That's why there is a condition about the landscaping.

Chairman Dalling said Mr. Petersen was already make a reasonable compromise on the landscaping, since he isn't required to put any in.

Ms. Laughlin told the Commissioners to keep in mind that this is a standalone building. Mr. Petersen doesn't plan on selling it, but you never know. Today we don't want it to be large storefront, but 10 years from now there may be a need for that.

Mr. Petersen pointed out that the Redevelopment Agency approved this unanimously. He thought that should carry a lot of weight.

*****Motion: Conditionally approve Conditional Use Permit No. 7-19 subject to the conditions in the City of Elko Staff Report dated July 25, 2019 and the condition from the Redevelopment Agency, listed as follows:**

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.

Redevelopment Agency Condition:

1. The building behind Big O Tires be torn down within 6 months after a Certificate of Occupancy is issued for the proposed building.

Commissioner Hooiman's findings to support the motion were the proposed development is in conformance with 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 conditional use permit is not in conformance with goals and objectives listed in 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 3-2-10(B) General Commercial 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 project will reduce blight in the immediate area, encourage investment, and would enhance the area. It is a better development than what is there. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.

Moved by Tera Hooiman, Seconded by John Anderson.

**Motion passed (6-1, Commissioner Buell Voted No).*

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).

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

Chairman Dalling asked about Condition No. 2. No exterior lighting signs permitted.

Ms. Laughlin explained that was a condition from the original Conditional Use Permit. Whenever you transfer a Conditional Use Permit the original conditions must continue.

Ms. Rambo had no comments.

Mr. Thibault recommended approval

Mr. Holmes had no comments.

Ms. Laughlin stated that the City Manager's office had no comments or concerns.

*****Motion: Approve the transfer of Conditional Use Permit No. 8-95 subject to the conditions in the City of Elko Staff Report dated August 15, 2019, listed as follows:**

Original CUP 8-95 Conditions:

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 Conditions:

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.

Commissioner Buell's findings to support the motion were the existing conditional use permit is consistent with the Land Use Component of the Master Plan. 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. The transfer of Conditional Use Permit is in conformance with the Wellhead Protection Plan. The transfer of the existing conditional use permit is in conformance with Section 3-2-3 of City Code. The existing conditional use permit is not in conformance with Section 3-2-5(E)(3) of City Code. With the filing of the application for the transfer from permittee to new owner, the applicant is in conformance with Section 3-2-18 of City Code. The property as developed is in conformance with City Code Section 3-2-17 for off street parking requirements.

Moved by Evi Buell, Seconded by Tera Hooiman.

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

III. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that City Council approved a Curb, Gutter, and Sidewalk waiver for Andrew Knudsen for the Sundance Mini Storage. They also approved and did the 2nd Reading for Ord. 842, which was the Public Way Ordinance. City Council approved a resolution for the Rezone of the Lambert property.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there was an RDA Meeting in August. They reappointed members of the RAC and approved an additional Storefront Grant Application. They also funded the Art Spot Reno for \$10,000 for a donation to the mural festival. They approved the 2020 budget. They also entered into a Public Private Partnership with Northern Nevada Asset Holdings, the owners of Stockmen's, for the completion of the parking lot. They approved \$99,999, which is about 1/3 of the total cost of the project, which will include lighting, landscaping, and infrastructure.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

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