

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**5:30 P.M., P.D.S.T., TUESDAY, OCTOBER 1, 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**  
                 **Tera Hooiman**

**Excused:**     **Gratton Miller**  
                 **Ian Montgomery**

**City Staff Present:**   **Scott Wilkinson, Assistant City Manager**  
                             **Cathy Laughlin, City Planner**  
                             **Bob Thibault, Civil Engineer**  
                             **Michele Rambo, Development Manager**  
                             **John Holmes, Fire Marshal**  
                             **Michael Palhegyi, Police Lieutenant**  
                             **Shelby Archuleta, Planning Technician**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments made at this time.*

**APPROVAL OF MINUTES**

September 3, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

**\*\*\*Motion: Approve the minutes from September 3, 2019 as presented.**

**Moved by Tera Hooiman, Seconded by Evi Buell.**

**\*Motion passed unanimously. (5-0)**

## I. NEW BUSINESS

### A. PUBLIC HEARING

1. Review, consideration and possible recommendation to City Council for Rezone No. 4-19, filed by Elko West Properties, LLC, for a change in zoning from PC (Planned Commercial) to C (General Commercial) Zoning District, approximately 60.75 acres of property, to allow for multi-family residential and commercial development, and matters related thereto. **FOR POSSIBLE ACTION**

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

Cathy Laughlin, City Planner, explained that staff was requesting that no action be taken on this item, as the square footage was listed incorrectly in the agenda item. The approximate acreage is inaccurate, because it did not include going to the center of Errecart Blvd.

**\*\*Commission took no action on this item.**

2. Review, consideration, and possible action of Conditional Use Permit No. 8-19, filed by Elko West Properties, LLC, which would allow for the development of an apartment complex within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

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

Ms. Laughlin went through the City of Elko Staff Report dated September 13, 2019. Staff recommended conditional approval with the findings and conditions listed in the Staff Report.

Mark Callahan, Elko Holdings Group, LLC, 301 Val Verde Ct. Las Vegas, NV. He stated that he had questions regarding the hydrology flow, ingress/egress, and the easements for the roadways. He thought it looked like the water was going to be flowing onto his property. He also mentioned that the easement for Errecart Boulevard was not done correctly.

Ms. Laughlin pointed out that the shaded area, called out as the unnamed roadway, would be dedicated to the City of Elko in order to provide access to Mr. Callahan's property. This is long range planning done by the City of Elko, so that we are not land locking any property. The City is requiring that they put in a paved roadway with curb, gutter, and sidewalk.

Bob Thibault, Civil Engineer, explained that a portion of Errecart Boulevard and Powerhouse Road was granted as an easement from the BLM. The easement is not identified by location, just as a 60 foot width. The City realized that when they were intending to construct a new water line along Powder House Road, and the City wanted to better define that easement by location. The City was working towards that.

Mr. Callahan mentioned an acceleration and deceleration lane for the highway. He also was concerned with the runoff from the proposed development onto his property from the pads that would be created on the property.

Mr. Thibault explained the water flow of the property. He also pointed out that there would be a detention basin and that the developer would not be allowed to increase peak runoff. The detention pond will reduce the amount of water that is running toward the culvert on Mr. Callahan's property.

There was further discussion on drainage.

Michele Rambo, Development Manager, went over the Development Department Conditions that were listed in the Staff Report.

Mr. Thibault went over the eight Engineering Department conditions that were listed in the Staff Report.

John Holmes, Fire Marshal, said he would work with builder on fire codes, but he didn't have any concerns at this time.

Mr. Wilkinson had no comments or concerns, and recommended approval as presented by staff.

Ms. Laughlin went through the Utility Department conditions that were listed in the Staff Report.

**\*\*\*Motion: Conditionally approve Conditional Use Permit No. 8-19 subject to the conditions in the City of Elko Staff Report dated September 13, 2019, listed as follows:**

- 1. The CUP 8-19 shall be personal to the permittee and applicable only to the submitted application conforming to the exhibits as presented.**
- 2. The Errecart Boulevard right-of-way is to be landscaped. A landscape plan will be required for submittal and approval. All landscaping shall include a combination of trees and shrubs. Landscaping shall be installed and not obstruct the view of oncoming traffic at the intersections. The landscape plan is to include features which create a "front" for the development adjacent to Errecart Boulevard and should be similar in nature to the landscaping along the north side of Errecart Boulevard. Owner or developer is to provide such maintenance and care as is required to obtain the effect intended by the original landscape plan for the development.**
- 3. CUP 8-19 to be recorded with the Elko County Recorder within 90 days after commencement of work.**
- 4. The permit shall be personal to the permittee, Elko West Properties, LLC. and applicable only to the specific use of multiple family residential 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. Civil improvement plans are required for review and possible approval. Civil improvements are required on all frontages. No on-street parking will be allowed on Errecart Boulevard or the Unnamed right-of-way.
6. No RV storage allowed.
7. Building #1 which includes the clubhouse /office shall be completed prior to the issuance of any certificate of occupancy for any other buildings.
8. All parking lot lighting is to be shielded or cut-off design.
9. An illumination schedule is required to ensure lighting is adequate for safety with minimal impact to adjacent properties.
10. There shall not be any placement of any mail gang boxes or kiosks in association with this complex placed in the city's right of way and shall remain internal to the complex
11. The sidewalk adjacent to Errecart Boulevard shall be offset.
12. The exterior of the building shall be compatible with surrounding areas and shall be similar to what is presented in the application.
13. The common areas are to be maintained in an acceptable manner at all times.
14. The applicant shall file a parcel map for the proposed parcels shown in the application. Such parcel map shall be approved and recorded prior to certificate of occupancy on any building.

**Development Department Conditions:**

1. Provide 250 feet between the Golden Health Clinic driveway and this project's driveway on Errecart.
2. Full street improvements needed for both Errecart and unnamed new road.
3. Recommend moving the detention basin out of the flood plain and instead utilize landscaped areas and/or other capturing methods.
4. Provide a crosswalk across Errecart to facilitate pedestrian movement to the north along Lamoille Highway.
5. No traffic study required.

**Engineering Department Conditions:**

1. The northerly driveway must be a dedicated street to service adjacent parcels.
2. Grading onto adjacent parcels will not be permitted.
3. A culvert will be required under the southerly driveway
4. Per 3-2-17, 3.c.2, increase the spacing between the southerly driveway and the intersection across the street to a minimum of 250', measured centerline to centerline. Errecart Blvd. is a minor arterial.
5. Office building shall be constructed as part of the first phase of construction.
6. Extend curb and sidewalk along the northerly part of the frontage.
7. Provide curb and sidewalk on both sides of the dedicated street that will be the northerly driveway.
8. Provide site lighting information.

**Utility Department Conditions:**

1. Project will need to be water/sewer code compliant.



2. Water main will need to be extended on access easement/dedicated right-of-way as well.

Commissioner Buell'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 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 District, the proposed use meets the required separation of dwelling units as found in City Code 3-2-5(E)(6). 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 Evi Buell, Seconded by Tera Hooiman.

*\*Motion passed unanimously. (5-0)*

3. Review, consideration, and possible action of Conditional Use Permit No. 9-19, filed by KLB Enterprises, LLC, which would allow for a bar to be located within the Central Business District, specifically 548 Commercial Street, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 160' southwest of 6<sup>th</sup> Street. (548 Commercial Street - APN 001-343-006)

Deborah Barnhart, 780 Aesop Dr. Spring Creek, explained that she was one-third of the KLB Enterprise, LLC. The other two partners are Tony Lewis, owner of Anthony Construction, and Clair Ketchum, a meteorologist with the National Weather Service. KLB Enterprises entered into a commercial lease with option to purchase in July 2019 for the property located at 548 Commercial Street, formerly known as The G. It is their intent to bring the property up to date regarding Fire, City, and ADA Codes. Such improvements include a fire suppression system on both levels, ADA restrooms, emergency lights, enlarging the doorways, and an updated camera system. Once the property is updated it is their intention to open the business as a nightclub known as The Underground. The Underground will operate Wednesday through Saturday from 7pm through 3am. Their target market is women between the ages of 25 and 45 years of age. The Club music will consist of 80's, 90's, Y2K, and modern dance music. The Underground will be a non-smoking establishment, and they will have a zero tolerance policy for violence and a zero tolerance policy for employee alcohol consumption. There will be two wand metal detectors at the entrance, and IDs will be thoroughly examined. In addition, the LLC will communicate effectively and proactively with the Elko Police Department regarding the management and safety of the nightclub. Lastly, the Manager will be personally responsible for removing all bottles, cans, trash, broken glass, debris, cigarette butts, and bodily fluids from abutting properties and the alleyway. The following make The Underground unique. Front door security will be equipped with an age verification and visitor management system. This device will immediately alert if a patron is underage, if the ID is a forgery, if the patron has been banned

from the property, or if the ID is expired. Speaking of Security, there will be 12" by 12" lockers for patrons to rent in order to secure their belongings. Patrons will rent the padlock for \$5 and in turn their keys will be taken for collateral. This will allow them to intervene if necessary at the end of the night. They can do that by offering the patron a non-alcoholic beverage, food on the house, or paid ride home by LYFT. However, it is their intention that no patron becomes so inebriated that the counter measures are necessary. Responsible pouring and not overserving is the responsibility of each and every bartender. At the time of hiring, bartenders will sign a contract, which outlines their responsibilities and management expectations. One of those expectations is that a bartender will take a pre-employment drug test and be subject to random drug testing. In addition, a bartender will be breathalyzed if a manager suspects he/she has been drinking. In other words, the manager will have a breathalyzer and each bartender is given their own breathalyzer mouth piece, which he/she will keep in their locked locker in the basement. She briefly mentioned food. The Underground would be the only standalone nightclub that serves food. Their food items include gourmet hotdogs, such as Chicago Dogs, New York Dog, Cheese Dog, nachos, pretzel bites with cheese, and pizza. Food will be available until closing. Speaking of closing time, The Underground would like to stay open until 3am, with last call being at 2am. In other words, from 2am until 3am only non-alcoholic drinks and food will be available for sale. With the hour of business being dedicated to only food and soda sales, this will encourage patrons to drink and drive responsibly. Speaking of drinking, patrons will be offered plastic cups with lids. In light of recent online stories of party goers being roofied, lids will give the patrons a sense of security of knowing that their drink will not be tampered with. Also, throughout the club there will be disposable drink coasters, which can be used as a cover for any drink glass, or beer bottle. In addition, they are installing a 40" drink rail around the dance floor, so a patron can place their drink on the rail and watch it while they dance. Lastly, The Underground is joining a growing list of restaurants and bars who offer women an escape from a potential dangerous date. A harassed or scared woman simply has to ask the bartender for an Angel Shot, which is code for asking for help. If the woman requests an Angel Shot with lime", the bartender will call the police, if she asks for one "neat", a bartender, or security guard, will walk the customer to her car; ask for "ice" and they will call a taxi, or a LYFT. The drink code names will change frequently and will be updated and posted in the women's restroom. In closing, KLB Enterprises appreciates the Planning Commission's time in reviewing and considering their Conditional Use Permit.

Ms. Laughlin went through the City of Elko Staff Report dated September 16, 2019. Staff recommended conditional approval with the conditions and findings listed in the Staff Report. Regarding Condition No. 6, Ms. Barnhart has expressed that they would like to close at 3 am. It was a discussion amongst staff and the Police Department on the closure recommendation of 2am, because there are so many residential units within that block.

Ms. Rambo had no concerns.

Mr. Thibault had one additional condition that the applicant resolve all issues of encroachments onto adjacent properties and streets.

Mr. Holmes had no comments.

Mr. Wilkinson had no comments or concerns and recommended approval as presented by staff.

Mike Palhegyi, Police Lieutenant, said that Ms. Barnhart touched on most of the conditions of Police Department. He then went over the Police Department conditions that were listed in the Staff Report.

Chairman Jeff Dalling explained that he works on that block and owns property on the block. The last thing he wants is another bar, but he understood that that has been a bar for a long time and will be a bar for another 30 years. It has been a bar since the few residents that live there have been there. He understood that they are now out of conformance because the building sat vacant for 12 months. He took that as they were not becoming a bar, just being a bar again. There are quite a few bars in the area. He asked if they had restrictions on their hours of business.

Lieutenant Palhegyi said they do not.

Chairman Dalling said this was a Conditional Use Permit, so they could put conditions on it. He didn't think anything good happened after 2am. He saw that they were planning of closing at 3 with a last call at 2. He thought that was pretty fair, which is only an hour difference of the Police Department recommendation. He didn't want to put undue pressure on bar to fail if they limit their hours of making money.

Commissioner Evi Buell said she got the concerns of the property owners and the concerns of the Police.

Chairman Dalling asked for final comment from the applicant.

Ms. Barnhart thanked Mr. Dalling for bring up the closing time. From what Ms. Barnhart had noticed on the block, a lot of people are moving out of the residential units, or they are already empty. Her concern would be for the existing people that live there. If you choose to move into a rental unit next to bar, then you get what you get. She thought they might discuss turning down the octaves of the music. They are trying to provide food and drink to people during that last hour, which is not currently available in any establishment. They were thinking about the feasibility of the recommendation regarding the professionally trained certified in the State of Nevada staff. They wanted to amend that to say that they will receive the training within 30 to 60 days of hire. Because the fluid nature of hiring security personnel. Their head of security will have to have a background in security and be familiar with the Nevada law regarding liability and security.

Ms. Laughlin asked if Ms. Barnhart planned on having security personnel every night, or just Friday and Saturday night.

Ms. Barnhart expressed that they would be there every night.

Lieutenant Palhegyi asked what Ms. Barnhart's vision was with regard to the amount of security personnel that would be on duty at any given time.

Ms. Barnhart explained that there would be two at the door and one at each exit in the back.

Lieutenant Palhegyi said presumably there would be a supervisor, which is trained and certified, to oversee operations. In the meantime, the people that might be coming and going are going to

need to some time to get caught up on their training. He thought that was reasonable, as long as there is someone working there that has been through the training to guide and monitor the new people.

Chairman Dalling asked if they were ok with last call at 2am, since they wouldn't be serving alcohol.

Lieutenant Palhegyi said it's all good until people complain, as far as the residents go. He would prefer 2am, but it's up to the Commissioners.

Commissioner Buell said it sounded like two of the conditions were up for conversation. She thought they might be ok with Police Department Condition No. 2, since it didn't specify all staff just that someone trained is on staff. They still needed to discuss and decide on the business hours.

Chairman Dalling said he had a restaurant next to the property, but the Commission had already heard his standpoint on the hours. He then asked the applicant if they were ok with an opening time of 4pm. (Yes)

Mr. Wilkinson wanted to have a little more discussion with the Police Department. He thought the expectation with Condition 2 was that all staff that would be on would be professionally trained. If the Planning Commission wishes to allow for the supervisor and that new hires have a period of time to get trained, he thought that needed to be clarified as a condition, so that there is no question in the future on how to interpret that condition.

The Commissioners agreed on 30 days from hire date for the new security staff to get certified in the State of Nevada.

Lieutenant Palhegyi concurred that there should probably be something in writing that states that they have 30 days to get the new staff trained in Nevada Security.

Commissioner Tera Hooiman asked if the supervisor would have to have the training upon hire. (Yes)

Lieutenant Palhegyi argued that someone that is certified should be on duty at all times.

Chairman Dalling thought they should put that in the condition.

Commissioner Hooiman asked what everyone thought about the hours.

Chairman Dalling said he was good with a last call at 2am and close at 3am.

Ms. Barnhart mentioned that they were planning to spray a foam throughout the rear of the club where the music is. It will help with acoustics of the music, and it will also cut down on the noise and vibration emanating into other units.

There was further discussion regarding hours of operation, ultimately the Commissioner's agreed on last call being at 2am and closing at 3am.

**\*\*\*Motion: Conditionally approves Conditional Use Permit No. 9-19 subject to the conditions in the City of Elko Staff Report dated September 16, 2019 with modification by the Planning Commission, listed as follows:**

- 1. The permit is granted to the applicant KLB Enterprises, LLC for a bar establishment subject to compliance with all conditions imposed by a conditional use permit.**
- 2. The permit shall be personal to the permittee and applicable only to the specific use (bar establishment) and to the specific property (548 Commercial Street) 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. CUP 9-19 to be recorded with the Elko County Recorder within 90 days after the business license is issued for the bar.**
- 4. Signage will require review and comment by the Redevelopment Agency prior to approval by the City.**
- 5. Applicant shall install and maintain exterior security lighting that illuminates both the Commercial Street frontage and the alleyway adjacent to and including the rear exit. The security lighting shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons in the vicinity of the front and rear entrances, and shall be positioned so as not to cause excessive glare for persons located outside of the vicinity of the front and rear entrances, such as pedestrians, motorists, and owners and occupants of neighboring properties.**
- 6. Hours of operation to be opening time of 4:00 p.m. or later and closing time to be 3:00 a.m., with a last call of 2:00 a.m.**
- 7. Applicant shall remove all bottles, cans, trash, broken glass, debris, and bodily fluids from abutting properties upon closing on each day applicant's business is open.**
- 8. Applicant shall maintain outdoor receptacles in the rear of the property for the collection of garbage, refuse and waste of adequate capacity and in sufficient number to hold all garbage, refuse and waste that accumulates between removal or disposal.**

**Police Department:**

- 1. Communicate effectively and proactively with Elko Police Department regarding management and safety of the business, such as; provide notice as to management or supervision changes, problems with security, changes with lighting, camera systems, security, weapons policies, etc.**

2. A certified security supervisor must be on staff during all business hours and new security staff have 30 days from date of hire to be certified in the State of Nevada.
3. Metal detectors at entrance are required.
4. Zero tolerance of employee consumption of alcohol while they are on shift.
5. Security cameras are required and a minimum of ten days stored video footage from the security system to be maintained at all times.

**Engineering Department:**

1. Resolve all issues of encroachment onto adjacent properties and streets.

Commissioner Buell's findings to support the motion were the conditional use is in conformance with the Land Use Component of the Master Plan. The conditional use is in conformance with the Transportation Component of the Master Plan and existing transportation infrastructure. The conditional use is in conformance with the Wellhead Protection Plan. Approval of the Conditional Use Permit is required for the proposed use to be in conformance to Section 3-2-10 of the Elko City Code. Approval of the Conditional Use Permit is required for the proposed use to be in conformance with Sections 3-2-3, 3-2-4, 3-2-17, and 3-2-18 of the Elko City Code. The proposed use conforms to Section 3-8 of Elko City Code.

Moved by Evi Buell, Seconded by Tera Hooiman.

*\*Motion passed unanimously. (5-0)*

*Lieutenant Palhegyi left.*

4. Review, consideration, and possible action on Zoning Ordinance Amendment 2-19, Ordinance No. 845, specifically an amendment to Title 3, Chapter 4, Section 1 of the Elko City Code entitled "Planning Commission" and matters related thereto. **FOR POSSIBLE ACTION**

NRS 278.040 was revised in 1985 and Elko City Code needs to be revised to reflect those changes.

Commissioner Tera Hooiman said that she would sit the item out.

Ms. Laughlin explained that the Commissioners had the proposed ordinance in front of them. It is Ordinance No. 845. The way the current Code was written was to match NRS 278.040 back when it was established that communities have Planning Commissions. In 1985 it was revised and the line that was taken out of the NRS remained in the City Code. It stated that the Members shall hold no other public office, except that one such member may be a member of the Zoning Board of Adjustment. This has come in a recent determination and a legal opinion based on Public Office, which could be any board that a person sits on. That is why it was taken out of the NRS in 1985. The NRS changed the provision to read that the members of the Planning Commission must not be members of the governing body of the City or a County, which would



be the City Council or County Commission. Staff would like to revise the City Code to match the revised NRS.

**\*\*\* Motion: Forward a recommendation to City Council to adopt an Ordinance, which approves Zoning Ordinance Amendment No. 2-19 of the Elko City Code, specifically Section 3-4-1.**

**Moved by Evi Buell, Seconded by Stefan Beck.**

*\*Motion passed (4-0, Commissioner Hooiman Abstained).*

## **B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**

1. Review, consideration and possible approval of Final Map No. 9-19, 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 and a remainder parcel for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

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

Nitin Bhakta, Summit Engineering, 1150 Lamoille Hwy, said he worked with staff on revising this and getting it to where it needed to be.

Ms. Rambo explained that this was the Final Map application for Cambridge Estates. When the Tentative Map was in front of the Commission there was extensive conversation. The map is the same as the last time the Commission saw it. Staff worked with the applicant on Construction Drawings, which have been approved by staff. The Final Map complies with all of the City Codes, the Master Plan, and Zoning Ordinance. Staff recommended that the map be conditionally approved with the conditions listed in the City of Elko Staff Report dated September 13, 2019.

Mr. Thibault pointed out that he had one condition, which had already been addressed. He recommended approval.

Mr. Holmes and Mr. Wilkinson had no comments or concerns.

**\*\*\*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 9-19 with conditions listed in the Staff Report dated September 13, 2019, listed as follows:**



1. The Developer shall execute a Performance and Maintenance 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 and Maintenance Agreement shall be approved by the City Council.
3. The Developer shall enter into the Performance and Maintenance Agreement within 30 days of approval of the Final Map by the City Council.
4. The Final Map for Cambridge Estates is approved for 35 single family residential lots and 1 remainder lot.
5. The Utility Department will issue a Will Serve Letter for the subdivision.
6. Grading shall not commence prior to approval of the construction plans by the Nevada Department of Environmental Protection.
7. Construction shall not commence prior to Final Map approval by the City Council and issuance of a will-serve letter by the City of Elko.
8. Conformance with the conditions of approval of the Tentative Map is required.
9. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition 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.
10. Approval of the Tentative Map by the Nevada Department of Environmental Protection is required prior to scheduling the Final Map for City Council approval.

Commissioner Buell's findings to support the motion were the Final Map for Cambridge Estates has been presented before expiration 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 the Modification of Standards for lot widths and areas 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 construction plans in conformance with Section 3-3-18 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 and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City Code. Based on the Modifications of Standards for lot widths and areas for particular lots 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 Tera Hooiman.

*\*Motion passed unanimously. (5-0)*

2. Review, consideration, and possible recommendation to City Council for Vacation No. 4-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 52 sq. ft. adjacent to APN 001-343-001, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east corner of the intersection of Commercial Street and 5<sup>th</sup> Street. (500 Commercial Street- APN 001-343-001)

Ms. Laughlin went through the City of Elko Staff Report dated September 23, 2019. Staff recommended conditional approval with the findings and condition listed in the Staff Report.

Ms. Rambo had no comments or concerns.

Mr. Thibault recommended approval of all seven Vacation applications.

Mr. Holmes and Mr. Wilkinson had no comments or concerns.

Mr. Wilkinson added that those would be consistent staff comments for the remainder of the items.

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 4-19 subject to the conditions listed in the City of Elko Staff Report dated September 23, 2019, listed as follows:**

1. **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 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 Tera Hooiman.**

*\*Motion passed unanimously. (5-0)*

3. Review, consideration, and possible recommendation to City Council for Vacation No. 5-19, filed by the City of Elko, for the vacation of a portion of the Commercial

Street right-of-way, consisting of an area approximately 101 sq. ft. adjacent to APN 001-343-002, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 25' northeast of 5<sup>th</sup> Street. (512 Commercial Street- APN 001-343-002)

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 5-19 subject to the conditions listed in the City of Elko Staff Report dated September 23, 2019, listed as follows:**

1. **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.**

**Commission 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 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 Tera Hooiman.**

***\*Motion passed unanimously. (5-0)***

4. Review, consideration, and possible recommendation to City Council for Vacation No. 6-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 50 sq. ft. adjacent to APN 001-343-003, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 106' northeast of 5<sup>th</sup> Street. (524 Commercial Street- APN 001-343-003)

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 6-19 subject to the conditions listed in the City of Elko Staff Report dated September 23, 2019, listed as follows:**

1. **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**

The subject property is located generally on the southeast side of Commercial Street, approximately 155' northeast of 5<sup>th</sup> Street. (542 Commercial Street- APN 001-343-005)

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 8-19 subject to the conditions listed in the City of Elko Staff Report dated September 23, 2019, listed as follows:**

1. 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 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 Tera Hooiman.

*\*Motion passed unanimously.*

7. Review, consideration, and possible recommendation to City Council for Vacation No. 9-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 53 sq. ft. adjacent to APN 001-343-006, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 181' northeast of 5<sup>th</sup> Street. (548 Commercial Street- APN 001-343-006)

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 9-19 subject to the conditions listed in the City of Elko Staff Report dated September 23, 2019, listed as follows:**

1. 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 located within the Redevelopment Area. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed

vacation is in conformance with the City of Elko Master Plan Transportation Component. The property proposed for vacation is 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 Tera Hooiman.

*\*Motion passed unanimously.*

5. Review, consideration, and possible recommendation to City Council for Vacation No. 7-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 50 sq. ft. adjacent to APN 001-343-004, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 130' northeast of 5<sup>th</sup> Street. (536 Commercial Street- APN 001-343-004)

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 7-19 subject to the conditions listed in the City of Elko Staff Report dated September 23, 2019, listed as follows:**

1. 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 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 Tera Hooiman.

*\*Motion passed unanimously.*

6. Review, consideration, and possible recommendation to City Council for Vacation No. 8-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 50 sq. ft. adjacent to APN 001-343-005, and matters related thereto. **FOR POSSIBLE ACTION**

**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 Tera Hooiman.**

***\*Motion passed unanimously. (5-0)***

8. Review, consideration, and possible recommendation to City Council for Vacation No. 10-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 147 sq. ft. adjacent to APN 001-343-007, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 84' southwest of 6<sup>th</sup> Street. (570 Commercial Street- APN 001-343-007)

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 10-19 subject to the conditions listed in the City of Elko Staff Report dated September 23, 2019, listed as follows:**

1. **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 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 Tera Hooiman.**

***\*Motion passed unanimously.***

## **II. REPORTS**

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

*Ms. Laughlin reported that CUP 5-19 filed by Bailey & Associates, LLC for the mobile home park was appealed. Prior to the item going to City Council there was a request from the applicant to withdraw the appeal. City Council had to take action on the appeal, because they cannot be withdrawn, so they affirmed the Planning Commission's action to*



*deny the appeal. On September 24<sup>th</sup> City Council approved the sale of a portion of land to Koinonia Construction for a small piece of land above the Mountain View Park parking lot. They are looking at that for a townhouse development. City Council had a finding that it was in the best interest of the City to sell that to the adjacent property owner, because it is not viable to anyone other than the adjacent property owner. A Revocable permit for a grease interceptor was approved. Vacation 4-19 through 10-19 were accepted and referred to the Planning Commission.*

*Ms. Rambo reported that there had been several Stage 1 meetings for subdivisions in the last six weeks.*

B. Summary of Redevelopment Agency Actions.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

*Ms. Laughlin said she had sent out a couple of emails for the survey that is being requested to be filled out by Planning Commissioners. She also sent out several emails in regards to the APA conference in Sparks.*

## **COMMENTS BY THE GENERAL PUBLIC**

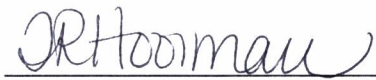
*There were no public comments made at this time.*

**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