

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, NOVEMBER 5, 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

October 1, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the October 1, 2019 meeting minutes as presented.**

Moved by Tera Hooiman, Seconded by Evi Buell.

**Motion passed (5 - 0, Commissioners Gratton Miller and Ian Montgomery Abstained).*

I. NEW BUSINESS

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible recommendation to City Council for Vacation No. 12-19, filed by the Ellison Properties, for the vacation of a portion of the Front Street right-of-way, consisting of an area approximately 1,979 sq. ft., and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally south of S. 5th Street and east of the terminus of Front Street. (404 S 5th Street- APN 001-422-002)

John Ellison, private business owner, explained that they did a survey and discovered a piece of property between them and the sidewalk. They've been out cleaning the weeds since they bought the property. They are really hoping to get the triangle piece, so they can keep it clean and put in some landscaping. They eventually want to put a new building on the property.

Cathy Laughlin, City Planner, went over the City of Elko Staff Report dated October 24, 2019. Staff recommended conditional approval with the findings and conditions listed in the Staff Report.

Michele Rambo, Development Manager, had no comments or concerns.

Bob Thibault, Civil Engineer, pointed out that he just noticed something that concerned him, which he will have to talk to the surveyor about. The area proposed for vacation appears to include a part of 5th Street, which is NDOT right-of-way. It appears that the property line is approximately one foot behind the sidewalk, but the area proposed for vacation seems to go all the way to the sidewalk. He thought they could approve it as it is shown. The City can only vacate what is theirs, not what is NDOT's. If approved as is, it will need to get clarified by the surveyor to make sure the area that is described is not encroaching into NDOT's right-of-way before it goes to the Assessor.

Ms. Laughlin mentioned that the Planning Commission could add a condition that it be modified to not include any NDOT right-of-way prior to going to City Council.

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

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

*****Motion: Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 12-19 subject to the conditions listed in the City of Elko Staff Report dated October 24, 2019, with an additional condition from the Planning Commission, 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.**
3. **A water line easement for the existing water line that bisects the area proposed for**

vacation must be approved by the City and recorded.

- 4. Existing sidewalk connecting Front Street and South 5th Street must be demolished and reconstructed in accordance with plans submitted and approved by the City.**

Planning Commission:

- 1. No NDOT property is to be included in the vacation.**

Commissioner Buell's findings to support the motion were that the proposed vacation is not in strict 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 287.479 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 material injure the public and is in the best interest of the City.

Moved by Evi Buell, Seconded by Gratton Miller.

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

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 66.30 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)

Mark Gaughan, 301 Vilberti Court, Las Vegas, NV, Elko Holdings Group, explained that he owned the property to the east and he had concerns in regards to easements, access, cross, ingress and egress, and water and hydrology. He explained that when he had previously developed everything had to be completed before he pulled a permit. He said he read in a document that the applicant had to turn everything in 90 days after they start the work. He asked if the applicant could start building without staff approval and permitting.

Ms. Laughlin said she was unfamiliar with where Mr. Gaughan was reading that, because all of the required information would be submitted with the applicants construction documents and that is reviewed by staff prior to a permit being issued. The applicant is not allowed to do any construction on the project without a permit.

Mr. Gaughan said he had a concern in regards to the adverse effects of hydrology on his property. He was also concerned with working out some sort of ingress and egress.

Ms. Laughlin explained that this agenda item was for the rezone of the property. It is not about the development of the property. Ms. Laughlin mentioned that she could meet with Mr. Gaughan after the meeting to address his concerns.

Ms. Laughlin then went over the City of Elko Staff Report dated September 11, 2019. Staff recommended approval with the findings in the Staff Report.

Ms. Rambo had no comments or concerns.

Mr. Thibault recommended approval as presented.

Mr. Holmes had no comments or concerns.

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

*****Motion: Forward a recommendation to City Council to adopt a Resolution, which approves Rezone No. 4-19.**

Commissioner Buell's findings to support the motion were that 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 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 3-2-10(B). The application is in conformance with Elko City Code 3-2-21. The proposed zone district is partially located in a designated Special Flood Hazard Area (SFHA). 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 Ian Montgomery.

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

2. Review, consideration, and possible action of Conditional Use Permit No. 10-19, 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 west of the intersection of 13th Street and College Avenue. (1297 College Avenue - APN 001-191-004).

Ms. Laughlin went over the City of Elko Staff report dated October 21, 2019. Staff had concerns regarding parking for the auditorium if it was being used during school hours, as for Cowboy Poetry. They did some research on the parking lots next to the Fairgrounds and the football field, those are both owned by the City of Elko. The City of Elko previously had an agreement with

Elko General Hospital to use that as overflow parking. The City's lease with the Fairgrounds was then modified to allow them to do an agreement with Elko County School District. Staff believes that the Elko County School District does have an agreement with the Elko County Fair Board to utilize those two parking areas. Staff highly recommended that a MOU and a consent agreement be created similarly to what the City of Elko did with the Convention Center. Staff recommended conditional approval with the findings and conditions listed in the Staff Report.

Ms. Rambo mentioned that she also had some concerns with the parking, but felt that the condition included in the Staff Report and ongoing communication with the School District will work out the issues.

Mr. Thibault recommended approval.

Mr. Holmes had no comments or concerns.

Ms. Laughlin stated that the City Manager's Office had no concerns.

Commissioner Stefan Beck explained that he walks in that area every day, and the parking lots next to the fair grounds and the football field are usually empty.

Ms. Laughlin explained that staff was concerned that the auditorium holds 830 fixed seats.

Commissioner Gratton Miller thought there needed to be a Memo of Understanding, especially along College Ave. He pointed out that at a previous meeting a lady mentioned that it was an issue.

Commissioner Tera Hooiman disclosed that she served on the Fair Board. She also thought that the MOU needed to be communicated with the Fair Board. They are pushing to have larger scale events in the Home Arts Building and in the Flower Building. She felt like the communication needed to open between the Fair Board and the School District because it will be a shared space.

Casey Kelly, Elko County School District, mentioned that he is in communication with Tony Buzzetti, who is on the Fair Board. Mr. Buzzetti is aware of what the School is doing.

Chairman Jeff Dalling asked where people would be parking if there is an event in the Auditorium and at the Fair Grounds at the same time.

Mr. Kelly mentioned that there was the gravel parking area across from the Fair Grounds that they could shuttle people from. It would be up to the Cowboy Poetry, and not on the School District. The School District would not allow Cowboy Poetry events to use the auditorium during school hours, because they don't want the interaction with the public and the kids.

Chairman Dalling thought Condition No. 9 would take care of those concerns.

Ms. Laughlin pointed out that they are losing around 20 parking stalls with the design of the building.

Chairman Dalling asked if they were picking up any more in front of the Science Building.

Ms. Laughlin said there was 21 spaces above, and there is the same amount below, so they wouldn't be adding any.

Chairman Dalling asked for any other comments or concerns from the Commissioners.

Commissioner Buell stated that she was satisfied with the parking that was available throughout the campus.

Commissioner Hooiman asked if the Commission felt like there would generally be enough parking if there is a sold out event.

Commissioner Miller stated that he was more worried about elderly people.

Commissioner Hooiman stated that the parking made her nervous.

Commissioner Buell pointed out that it wasn't that different than the parking situation on the college campus. There is a small parking lot next to the theater and it is rarely an issue. There is also a fair amount of drop off for the elderly.

Chairman Dalling pointed out that the Folklife Center uses shuttles.

Commissioner Miller pointed out that there was also a lot of overflow parking on Chilton. He thought it could be problematic if people started to park in front of the residential area.

Commissioner Buell thought they were talking about a relatively irregular occurrence.

*****Motion: Conditionally approve Conditional Use Permit No. 10-19 subject to the conditions listed in the City of Elko Staff Report dated October 21, 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 4-19 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 recorded prior to issuing a Certificate of Occupancy for the new building.
6. CUP 10-19 to be recorded with the Elko County Recorder within 90 days after the commencement of the construction of the new building.

7. Access to be limited to 13th Street.
8. If the auditorium is to be used by anyone other than students and staff during scheduled school hours, off-site parking must be arranged with transportation to and from parking.
9. If a Memorandum of Understanding (MOU) and Consent Agreement is not in place for all of the parking on City of Elko property, then one must be approved by City Council within 60 days of CUP approval.

Commissioner Buell'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 and Variance 4-19 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 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 this CUP.

Moved by Evi Buell, Seconded by Tera Hooiman.

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

3. Review, consideration, and possible action on Variance No. 4-19, filed by Elko County School District for a reduction of the required setback from any Street Line from 66' to 20' for the College Avenue setback from street line, within a PQP (Public, Quasi-Public) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally west of the intersection of 13th Street and College Avenue. (1297 College Avenue - APN 001-191-004).

Ms. Laughlin, went over the City of Elko Staff Report dated October 23, 2019. Staff recommended conditional approval with the findings and conditions in the Staff Report.

Ms. Rambo had no comments.

Mr. Thibault recommended approval as presented.

Mr. Holmes had no comments or concerns.

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

*****Motion: Conditionally approve Variance No. 4-19 subject to the conditions listed in the City of Elko Staff Report dated October 23, 2019, listed as follows:**

- 1. Approval of CUP 10-19.**
- 2. A Parcel Map for the consolidation of the two parcels be recorded prior to issuing a Certificate of Occupancy for the new building.**

Commissioner Buell's findings to support the motion were that the proposed variance approval 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 4-19 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 4-19 with the recorded parcel map for the consolidation of the two parcels 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 applicant is advised of the right to appeal this decision to the City Council within 10 days of the date of approval as stated above.

Moved by Evi Buell, Seconded by Gratton Miller.

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

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that on October 8th the City Council conducted the 1st reading of the Zoning Ordinance to change the Planning Commission section of code to allow Planning Commissioners to serve on other boards. The Second reading of that Ordinance took place on October 22nd. City Council adopted all the Resolutions for the vacations along Commercial Street. They also accepted the Ellison's petition for vacation at the October 22nd meeting. City Council approved the Final Map and the Performance Agreement for Cambridge Estates.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there was a Redevelopment Advisory Council meeting on October 24th. NV Energy was there to present a new grant program that will take place within Redevelopment Areas to help funding requests for undergrounding utility lines and eliminating blight.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

Ms. Laughlin mentioned that she emailed the Commissioners a summary of the Planning Commission survey that was sent out. There were four Commissioners that completed the survey.

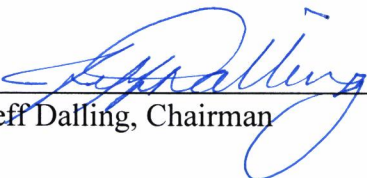
COMMENTS BY THE GENERAL PUBLIC

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