

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, NOVEMBER 7, 2017
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Aaron Martinez, Chairman of the City of Elko Planning Commission.

ROLL CALL

Present: **Aaron Martinez**
 David Freistroffer
 Jeff Dalling
 John Anderson
 Kevin Hodur
 Stefan Beck
 Tera Hooiman.

City Staff: **Scott Wilkinson, Assistant City Manager**
 Jeremy Draper, Development Manager
 Cathy Laughlin, City Planner
 Bob Thibault, City Engineer
 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 3, 2017 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from the October 3, 2017 Planning Commission meeting as presented.**

Moved by Kevin Hodur, Seconded by David Freistroffer.

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

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Conditional Use Permit No. 5-17, filed by Head Start of Northeastern Nevada, which would allow for the development of a pre-school facility within a LI (Light Industrial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast corner of the intersection of Silver Street and Sweetwater Lane, 1326 Silver Street. (APN 001-630-097)

Catherine Wines, 421 Railroad Street, explained that she was the architect for the project. What we see here is kind of a master plan. They are working on the building in the middle. The existing building on the west side of the property doesn't really work and was going to be too expensive to remodel, so that will become an office building for Head Start and they will move all the classrooms into the new building. The building on the east side would be potential future development, because Elko is growing and there will always be a need for Head Start.

Cathy Laughlin, City Planner, explained that child care center is listed as a conditional permitted use in the Light Industrial Zoning District. With this Conditional Use Permit a child care center is allowed. The applicant does have a previous Conditional Use Permit on the property for the other building. Reviewing that, it was approved on a site plan that did not show the future plans and future expansion of all of this additional area to the west. We did require a new Conditional Use Permit based on the previous site plan that was approved. Mr. Holmes sent Ms. Laughlin an email today stating that he would be absent, but had no comments for the Commission on this project. One of the concerns that staff has had is in regards to the Master Plan for Silver Street and the connection of Silver Street to Manzanita, if we ever acquire the proper right-of-way. It is considered an Arterial and off-street parking would not be allowed on that street. We have listed in the conditions that the property owner put up signage for no parking, no on-street parking along Silver Street, and possibly paint the curb. Our concern is in regards to their existing facility and this facility. Yes, their parking calculations meet what is required by the traffic count per student for parking, but we feel that it is not adequate for what they currently have at their other facility. There is a lot of on-street parking at the other facility. They are showing that they are only going to provide the parking that is on the side of the building and the driveway, the rest will be gravel at this time, so it can be used as overflow parking. The future of the expansion of the Master Plan is where we would really be concerned on the amount of parking for the uses that have been proposed. If the uses do change and we find that it is a parking concern, we just want to bring that to the Commission's attention at this time. The Development Department has 10 conditions. The Planning Department has one condition, which is that the modular buildings brought onto the site must qualify in constitute as real property as established by the NRS. Meaning that they are on a foundation, they are not just temporary.

Jeremy Draper, Development Manager, said that the Development Department reviewed this. The location is off of Sweetwater Lane and Silver Street, and adjacent to VFW Drive. Conditional Use Permit 2-10 was approved April 6, 2010 and was extended April 5, 2011. We have the proposed full build out as discussed. The Civil Improvement Plans have been reviewed and approved, and also a permit has been issued for the foundations for the new proposed classroom. The Master Plan for this area is Industrial General and the corresponding Zoning

Districts are LI, IC, and GI. This is a LI Zone. A child care facility is a conditional use permitted property for this area. Silver Street, east of 12th Street, is identified as a Commercial Industrial Collector, as identified in the Transportation Component of the Master Plan. However, there is a discrepancy with Atlas Map 12, which shows it as a Minor Arterial. When we have a discrepancy between the two, we go with the written version, and so this should be an Industrial Collector in this area. The Master Plan for Industrial Collector does not show parking on that roadway, so that is why we are encouraging “No Parking” signs to be installed here. The property is within RDA and within the 10 year capture zone for the City wells. Section 3-2-17 “Traffic Access, Parking, and Loading” that has been staff’s biggest concern with this project. CUP 2-10 states that the existing building would have a student count of 20 preschool students, 8 early Head Start students, and a total of 6 employees. That changes in this application to 20 students and 3 teachers, so we would ask the applicant to provide verification of what’s actually going to be used in this building. Ms. Wines stated that the existing building would become an office, which then also modifies the parking requirements for this area. At full build out we’ve got approximately 100 pre-K students, 23 teachers, and a 1,500 square foot office building. There are 40 proposed spaces on the property. Mr. Draper talked with Mr. Tom Ballew, who indicated that Mr. Draper couldn’t count, and said that there was another proposed parking spot. It does appear that they meet the intent of the code, based on those calculations. Proposed driveway spacing should be 100 feet, based on 3-2-17. He thought they were just shy of 100 feet between the existing driveway and the proposed driveway. Staff has some concerns with the location of VFW Drive and traffic movements coming out of the facility, so we requested a right-in right-out for that location. Staff also has concerns about drop-off and pick-up. We would want the parents to come into the parking lot, so we asked that the area along Silver Street to be signed for no parking. He then went over his 10 conditions listed in the staff report.

Chairman Aaron Martinez asked if the project was currently under construction.

Mr. Draper said that was correct. They have foundations in the ground for the proposed building.

Bob Thibault, City Engineer, had no additional comments and recommended approval.

Scott Wilkinson, Assistant City Manager, recommended approval as presented by staff. He proposed a change to Condition 1 to read, “Allowing for the operation of Child Care Facilities on this property.” The reason is when we get too specific in the use of the property they might have to come back with another CUP. As they move forward, as long as they are code compliant and they are meeting any other conditions stated in this CUP, they could put their third building up without coming back for another CUP.

Commissioner Jeff Dalling asked Ms. Laughlin what the parking count was that she thought would be more appropriate.

Ms. Laughlin clarified that this project was code compliant. Staff just knew that preschool students’ parents have to park, take them inside, and sign them in, and the same thing when they pick them up. It’s not like a grade school, where they just pull up and drop them off. We are comparing this to their existing facility and the amount of on-street parking that they have on Golf Course Road. Staff didn’t want to see that happen at this location.

Commissioner Dalling asked Ms. Laughlin if she had a number that she thought was more appropriate

Ms. Laughlin said no.

Commissioner Dalling asked Ms. Wines if there was a way to move the driveway where it would line up with VFW Drive.

Ms. Wines said the third building wouldn't have been possible if they had lined the driveway up with VFW Drive.

Mr. Wilkinson pointed out that there is a street light and some other utility infrastructure that would have to be relocated in that area.

Ms. Wines clarified that there was a street light and a hydrant that would have had to been relocated.

Mr. Wilkinson explained that staff had discussed that at length and thought that the pork chop in the driveway would discourage that, and if we have any issue with left hand movements out of the driveway we will put a median in the road. It's our road, we will address it accordingly if we have any safety issues.

Ms. Wines explained that the intended use of the new buildings was for three classrooms, with three separate entrances where parents pick-up and drop-off. They were thinking that they would use the west parking lot when dropping off.

Chairman Martinez asked what the current student population was.

Commissioner Tera Hooiman said 28.

Chairman Martinez asked what the proposed population was, after the build out.

Mr. Draper explained that the application from CUP 2-10 had 20 preschool and 8 early Head Start students, and 6 employees for the existing building. What they are using on their parking calculations for the existing is 20 Students and 3 teachers.

Ms. Wines said that wasn't technically accurate, they aren't using the existing building.

Chairman Martinez asked what the expected increase in student population was.

Ms. Wines said she didn't know. She thought there was going to be 12 students per classroom and there was going to be three classrooms. She wasn't positive.

Chairman Martinez asked if the City looked at the Manual to determine the trip generation per day. Was that how the number was determined?

Mr. Draper explained that Section 3-2-17 of the City Code identifies child care facilities as having 1 per 10 students plus 1 per teacher.

Chairman Martinez said you would have had to know the student population.

Ms. Wines explained that student population was moving, they are not adding to it. It will be moving from the existing building to the new building.

Chairman Martinez asked if this application approved the utilization of the existing building, which they are moving from, for future utilization.

Mr. Wilkinson said that's why he wanted to point out that they would have child care facilities.

Chairman Martinez said a plural verses singular, which would mean that they would have the ability to utilize that facility at their discretion.

Mr. Wilkinson said the applicant intended on utilizing the existing facility going forward also.

Ms. Wines said but not for children.

Chairman Martinez asked if this application was approving the parking structure moving forward for this entire parcel. Is it under sized?

Mr. Draper explained that if the existing building is used strictly as offices, then he felt like the parking count was not accurate, because he believed the parking count would increase. Right now the proposed use, based on the plans submitted, was for the existing building to have 30 students and three teachers in it.

Chairman Martinez felt like the application was not identifying everything that's actually being approved, because we're talking about traffic counts of this initiative but there future things that are going to get blanket approval, or not being evaluated in terms of that.

Mr. Wilkinson explained if the applicant came in with the third building and they can't meet the parking, they won't get a building permit for it. This just allows them not to have to come back for a CUP for the third building. CUPs do not grant waivers on code requirements, so they still have to meet the code for the parking.

Chairman Martinez asked if the trigger would be the change in business license application. How would we identify whether the usage of the existing structure was proper. What if they want to do something that has a high occupancy or high traffic usage of the existing structure? Is this application approving that?

Mr. Wilkinson said no. It would have to be a child care facility, or related to that use. They wouldn't be able to sell this property and have it converted to some other use, because the CUP runs with the land. If someone else were to buy the property and try to have some other use, they'll run into that issue. Typically, when you see significant investments on property for CUPs they don't change.

Chairman Martinez said the findings of the needed parking is based on the proposed facility and the future facility. Is that correct?

Mr. Draper said the total parking is based on the existing facility and the other three proposed facilities, with their proposed uses. That is provided on the map.

Commissioner Freistroffer said the actual usage, build out, and parking plan isn't being approved now. That is approved by the code and building code process. (Correct) All that the Commission can approve is child care facilities in an Industrial Zone, but we can condition it to make it better planned.

Mr. Wilkinson said you have conditions on top of code requirements.

Ms. Laughlin explained that was why staff brought up their concerns, was because they added the condition for the no parking signs.

Commissioner Freistroffer asked, with the Industrial Collector designation for the road, if the driveway on the left was allowed to be that close to the corner. This is a substantial rebuild, so he was wondering if that was ok.

Mr. Draper explained that was approved with the last CUP and building permits. At that time the City did not have spacing requirements that were as far as they are now. They were allowed to be that close at the time of construction of the lot. Now we require Collector Roadways to have 100 foot spacing between them, and Arterials to be 250 feet. It's not compliant with code, but staff believes that it's acceptable based on the use of Sweetwater/13th Street.

Mr. Wilkinson said that would be a legal non-conforming use, because that code was changed after construction. Unless they abandoned, or discontinue, the use they are able to continue.

Commissioner Freistroffer asked if it was a legal non-conforming use even though they are rebuilding 80% of the property. That's a substantial change in the property, and when people substantially change the layouts of their property, they are also nulling and voiding their current CUP. He was confused how that was legal non-conforming.

Mr. Draper explained that you can expand a legal non-conforming use with a CUP.

Commissioner Freistroffer said at full build out what he was seeing wouldn't be up to code depending on the uses of the buildings and the number of parking spaces.

Mr. Draper said based on the information provided with the application, they would meet the parking requirements. That's all we can do at this point. If it does change to office space, when we get the application for the other proposed building we will reevaluate it and make sure the parking requirement is met.

Commissioner Freistroffer asked what recourse to they have from the City, if there is a traffic problem that is being induced by this project.

Mr. Draper explained that if there are traffic problems the City can come in and stripe the curb and put a median in, which would force the right-in right-out movement. We have the ability to

have this Commission to review the Conditional Use Permit. If we feel like they are not meeting the conditions that are set upon this use.

Commissioner Freistroffer pointed out that it could cause problems if the traffic is be backed up and blocking the roadway since the Police Station is right there.

Mr. Wilkinson said staff has had discussions with Ms. Wines and the Director of the facilities, and made it clear that if we have a lot of on-street parking we will paint curbs red and enforce it, and if we have left turn movements out of there it's our road and we will take whatever measures we need to, to prevent that, which would be a median.

Commissioner Dalling asked who would pay for the median.

Mr. Wilkinson clarified that the City would pay for the median.

Chairman Martinez asked if there was currently street parking on that roadway.

Mr. Draper identified that there is parking striped, but the Master Plan for a Collector Roadway does not encourage on-street parking. That is one of the reasons for the "No Parking" signs, because we envision a three lane road here once we get Silver Street connected through to Manzanita.

Commissioner Hooiman thought the saving grace for the parking situation was that the Police Station is close, so they will be able to enforce it better than at the other schools. Another saving grace, with this particular facility, is the need to go in and sign the children in.

Chairman Martinez said Condition 1 needed to be modified, if they want to allow the utilization of all the facilities under the same usage. Also, he was discussing trying to utilize the west end for a few more spaces.

There was further discussion regarding the parking calculations and the future student/teacher population.

Mr. Wilkinson said this is code compliant, but he thought if the Commission had a concern another option they had would be to limit the CUP to the proposed building and the existing building. Knowing that you would have plenty of square footage to develop future parking, if required. If they are successful in a third building then they would have to come back for another CUP at that point, which would probably be five to seven years from now.

Chairman Martinez thought that was the better option, because it doesn't seem like it's feasible.

*****Motion:** Conditionally approve Conditional Use Permit No. 5-17 subject to the conditions in the City of Elko Staff Report dated November 7, 2017, with a modification to the Development Department Condition No. 1 and an additional condition from the Planning Commission, listed as follows:

Development Department:

Included in Memorandum dated October 18, 2017 from Development Manager

1. The conditional use permit is granted to the property owner(s) allowing for the use of childcare facilities on this property.
2. The permit shall be personal to the property owner(s) 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 property owner records the conditional use permit.
4. The conditional use permit shall automatically lapse and be of no effect one year from the issuance unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
5. Landscaping shall be required per Section 3-2-12-(A)-10 of Elko City Code
6. The proposed access to Silver Street shall be designed for right-in-right-out only due to the close proximity to VFW Drive.
7. The developer is to submit plans as appropriate and obtain the required building permits from the City of Elko.
8. The applicant is to verify the enrollment for the existing facility and clarify the difference noted in CUP 2-10 and CUP 5-17 for the existing building.
9. The site plan shall be revised to provide the required number of parking spaces, 40 as indicated on the plans unless increased per condition 8.
10. Place No Parking signs along Silver Street, drop off and pick up of students shall be done on property.

Planning Department:

1. The modular building(s) brought onto the site must qualify and constitute as real property as established by Nevada Revised Statutes chapter 361.

Planning Commission:

1. This Conditional Use Permit applies to the existing building and to the building that is currently under construction.

Commissioner Freistroffer's findings to support his recommendation was the conditional use permit is in compliance with the City of Elko Master Plan Land Use, 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 of Elko Code 3-2-12(A) Light Industrial District with the approval of the Conditional Use Permit. The proposed development is in conformance with Elko City Code 3-2-3, 3-2-4, 3-2-17, 3-8, and 3-2-18. 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.

Moved by David Freistroffer, seconded by Kevin Hodur.

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported at the City Council meeting on October 24th, they approved the initiation of the Business Impact Statement to increase the fees associated with the Zoning and Planning Applications. The letters went out to developers, architects, contractors, engineers, etc. It gives them until December 30th to reply with concerns. Then that will go to City Council twice for readings. We are also in the process of amending the Planning and Zoning Applications to reflect those changes in fees as well as reflect some different requirements that the Department would like to see in the applications. They approved an initiation of an amendment to Title 3 Chapter 2 of the Elko City Code, adding a new Section 29, which will be titled "Marijuana Establishments and Medical Marijuana Establishments Prohibited." This will come to the Planning Commission as a Public Hearing in December. They also approved the Preliminary Plan for Tower Hills Subdivision.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there was a RAC meeting last week. They reviewed amendments to the Storefront Improvement Program and sending those recommendations to the RDA. There will be a meeting Tuesday, November 14th for the RDA. RAC made final recommendations to the RDA for revisions to RDA Plan and that is going to Legal Counsel for their review, and then it will go to the RDA. We are wrapping up an alley project in the 400 Block between Idaho Street and Railroad Street. We did a consolidated garbage trash collection area and repaved that alley. We are waiting on a solar light to the area and that project will be finished. Our Storefront Improvement Program is coming along as well. We have a couple projects that are submitting for reimbursement and two projects that are still under construction. Mr. Thibault can fill you in on the Centennial Tower and the undergrounding of the utilities. The RDA is busy with quite a few projects in the Downtown.

Mr. Thibault reported that things are moving along with the Tower Project downtown. The electrical contractor is going to be wrapping things up this week. The light poles are going to be delivered. Yesco is under construction of the tower and the foundation is constructed. Erection of the Tower will begin on November 20th.

Commissioner Dalling asked how long they had for the construction for the undergrounding.

Mr. Thibault said that will finish up this week.

Commissioner Dalling asked what their contract length was.

Mr. Thibault said it started at 45 days, but there was a few weather days and to reduce road closures, they extended it to 75 days.

Mr. Wilkinson announced that there would a ribbon cutting on December 9th at 4:15, then they will have the Snowflake Festival.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

E. Elko County Agendas and Minutes.

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

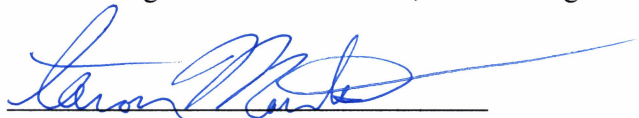
G. Staff.

COMMENTS BY THE GENERAL PUBLIC

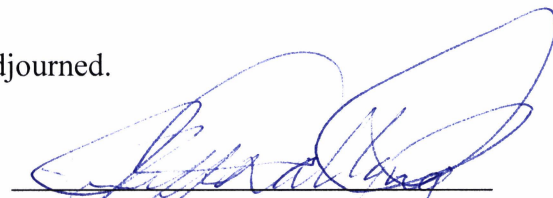
There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Aaron Martinez, Chairman



Jeff Dalling, Secretary