

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, DECEMBER 4, 2018
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

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

ROLL CALL

Present: Evi Buell
 Ian Montgomery
 Jeff Dalling
 John Anderson
 Stefan Beck
 Tera Hooiman
 David Freistroffer (*Arrived at 6:26 p.m.*)

City Staff Present: Scott Wilkinson, Assistant City Manager
 Cathy Laughlin, City Planner
 Bob Thibault, Civil Engineer
 John Holmes, Fire Marshal
 Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments at this time.

APPROVAL OF MINUTES

November 6, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes for the Tuesday, November 6th Meeting.**

Moved by Evi Buell, Seconded by Tera Hooiman.

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

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible recommendation to City Council for Rezone No. 7-18, filed by Donald & Valvet Carlson, for a change in zoning from C (General Commercial) and GI (General Industrial) to R (Single-Family and Multi-Family Residential), approximately 0.287 acres of property, and matters related thereto.

FOR POSSIBLE ACTION

The subject properties are located generally on the north corner of the intersection of 9th Street and River Street. (APNs 001-364-009, 001-364-010, 001-364-011).

Cathy Laughlin, City Planner, explained a zone amendment is a boundary. There are three properties that are involved in this zone amendment application. Two of those properties are owned by Donald Carlson and one is owned by Valvet Carlson. Ms. Laughlin then went through the City of Elko Staff Report dated November 14, 2018. Staff recommended conditional approval with the findings and conditions included in the staff report.

Bob Thibault, Civil Engineer, recommended conditional approval.

John Holmes, Fire Marshal, recommended approval.

Scott Wilkinson, Assistant City Manager, recommended approval as presented by staff.

Tom Ballew, 640 Idaho Street, said just to sum it up these are residential properties and they have run into this issue in this area of town before. They worked with staff to identify and address all the issues.

Commissioner Evi Buell said this seemed to be consistent with their previous policies and getting this into conformance with reality.

*****Motion: Forward a recommendation to City Council to adopt a resolution, which conditionally approves Rezone No. 7-18, subject to the conditions listed in the City of Elko Staff Report dated November 14, 2018, listed as follows:**

Planning Department:

1. Variance applications 11-18, 12-18 and 13-18 are approved and all the conditions are satisfied.
2. Parcel Map 10-18 be approved and recorded with Elko County Recorder.
3. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property

Commissioner Buell's findings to support her recommendation was that the proposed zoning amendment is not in strict conformance with the Land Use Component of the Master Plan, it is not required to be in strict conformance with the Master Plan and does not frustrate the goals and policies of the Master Plan. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing

transportation infrastructure. The parcels are not located within the Redevelopment Area. The proposed zone district is consistent with the City of Elko Wellhead Protection Plan. Approval of the Variance applications 11-18 and 13-18 is required for the proposed zone district to conform to Section 3-2-4(B) of City Code. Approval of the Variance applications 11-18 and 13-18 is required for the proposed zone district to conform to Sections 3-2-5(E) and (G) of City Code. 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 Tera Hooiman.

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

2. Review, consideration, and possible action on Variance No. 11-18, filed by Donald Carlson for a reduction of the required exterior side yard setback from 12' to 11.3' and the required front yard setback from 15' to 8.5' for a residence in an R (Single-Family and Multi-Family Residential) Zoning District, in conjunction with a zone change, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north corner of the intersection of 9th Street and River Street. (128 9th Street & 140 9th Street - APN 001-364-009 & 001-364-010)

Ms. Laughlin went over the City of Elko Staff Report dated November 20, 2018. She recommended conditional approval with the findings and conditions listed in the staff report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Conditionally approve Variance No 11-18 subject to the conditions in the City of Elko Staff Report dated November 15, 2018, listed as follows:**

1. Approval of rezone application 7-18.
2. Parcel Map 10-18 is to be approved, recorded and all related conditions satisfied.

Commissioner Buell's findings to support her recommendation was that strict conformance with the Land Use Component of the Master Plan is not required under Elko City Code 3-2-22. The proposed variance does not frustrate the goals and policies of the Master Plan. The property is not located within the Redevelopment Area and consideration of the plan is not required. Approval of Variance 11-18 in conjunction with approval of Rezone 7-18 will bring the property into conformance with Section 3-2-5 of City Code. The special circumstance is directly related to the property being improperly zone for the developed use of the property. The exceptional practical difficulty is directly related to the fact that the property is improperly zoned for the existing use of the property restricting the

applicants ability to improve upon and/or transfer the property. The special circumstance does not generally apply to other properties, which are within a property zoned residential district with residential land uses. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with the use of the property as a residential use. The granting of the variance is directly related to an improperly zone property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification. The property is fully developed and the granting of the variance will not impair natural resources.

Moved by Evi Buell, Seconded by Stefan Beck.

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

3. Review, consideration, and possible action on Variance No. 12-18, filed by Donald Carlson to allow for an increase in maximum building area allowed for an accessory structure in an R (Single-Family and Multi-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north corner of the intersection of 9th Street and River Street. (128 9th Street & 140 9th Street - APN 001-364-009 & 001-364-010)

Ms. Laughlin went over the City of Elko Staff Report dated November 19, 2018. She recommended conditional approval with the findings and conditions listed in the staff report. If the property was larger it would be allowed to go to the maximum of 1200 square feet. The requirement is 10%, or 1,000 square feet, whichever is greater up to 1,200 square feet. The property is at the 1000 square foot allowance.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff.

Commissioner Stefan Beck said this sounded like a win-win for everyone. The City would be getting rid of an encroaching shed and in return we are approving larger garage.

*****Motion: Conditionally approve Variance No. 12-18 subject to the conditions in the City of Elko Staff Report dated November 19, 2018, listed as follows:**

1. **Approval of rezone application 7-18 and all conditions to be satisfied.**
2. **Parcel map 10-18 is to be approved, recorded and all related conditions satisfied.**
3. **Approval of variance 11-18 and all conditions to be satisfied.**
4. **Commencement within one year and completion within eighteen (18) months from**

the date of approval.

5. Plans to be submitted to the City of Elko Building Department for the accessory structure and obtain all required permits.
6. A demolition permit be obtained for the existing storage shed. Demolition commencement within one year and completion within eighteen (18) months from the date of approval of variance 12-18.
7. All walls within 5 feet of property line are required to have a fire-resistance rating. This shall be a 1 hour rating tested in accordance with ASTM E 119 or UL 263 with exposure from both sides. The projection or roof overhang shall have a fire-resistance rating of 1 hour on the underside if located greater than 2 feet or less than 5 feet from the property line. Roof projections or overhangs are not allowed within 2 feet of a property line. Openings less than 3 feet to property line are not allowed. Openings up to 25% maximum of wall area from 3 feet to 5 feet of property line are allowed. These requirements are as per Table R302.1(1) 2009 International Residential Code. And table R302.1 of Elko city amended building codes.

Commissioner Buell's findings to support her recommendation were that strict conformance with the Land Use Component of the Master Plan is not required under Elko City Code 3-2-22. The proposed variance does not frustrate the goals and policies of the Master Plan. The property is not located within the Redevelopment Area and consideration of the plan is not required. Approval of Variance 11-18 in conjunction with approval of Rezone 7-18 and Parcel Map 10-18 will bring the property into conformance with Section 3-2-5 of City Code. The special circumstance is directly related to the property having an existing accessory structure located partially within the City of Elko right-of-way and the requirement for the removal of the structure associated with rezoning the property to address conflicting zoning and existing land use. The special circumstance or extraordinary condition is related to the existing land use conflicting with the existing zoning, the applicant's efforts to address the issue ensuring the property is a legal conforming use and as a result will be required to remove an existing structure. The special circumstance of the structure encroachment into right-of-way does not generally apply to other properties within the proposed zone 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. Granting of the variance will not impair natural resources.

Moved by Evi Buell, Seconded by Stefan Beck.

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

4. Review, consideration, and possible action on Variance No. 13-18, filed by Valvet Carlson for a reduction of the required minimum lot area from 5,000 sq. ft. to 4,376 sq. ft. in an R (Single-Family and Multi-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest side of River Street, approximately 75' northeast of 9th Street. (925 River Street - APN 001-364-011)

Ms. Laughlin went through the City of Elko Staff Report dated November 19, 2018. Staff recommended conditional approval with the findings and conditions listed in the Staff Report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Conditionally approve Variance No 13-18 subject to the conditions in the City of Elko Staff Report dated November 19, 2018, listed as follows:**

1. Approval of rezone application 7-18.

Commissioner Buell's findings to support her recommendation were that strict conformance with the Land Use Component of the Master Plan is not required under Elko City Code 3-2-22. The proposed variance does not frustrate the goals and policies of the Master Plan. The property is not located within the Redevelopment Area and consideration of the plan is not required. Approval of Variance 13-18 in conjunction with approval of Rezone 7-18 and Parcel Map 10-18 will bring the property into conformance with Section 3-2-5 of City Code. The special circumstance is directly related to the property being improperly zoned for the developed use of the property. The exceptional practical difficulty is directly related to the fact that the property is improperly zoned for the existing use of the property restricting the applicants ability to improve upon and/or transfer the property. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with the use of the property as a residential use. The granting of the variance is directly related to an improperly zoned property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification. The property is fully developed and the granting of the variance will not impair natural resources.

Moved by Evi Buell, Seconded by Stefan Beck.

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

5. Review, consideration, and possible action of Conditional Use Permit No. 5-18, filed by MP Elko, LLC, which would allow for a Public, Quasi-Public principal permitted use within a C (General Commercial) Zoning District, and matters related thereto.

FOR POSSIBLE ACTION

The subject property is located generally southeast of the intersection of Spruce Road and Noddle Lane. (2450 Mountain City Highway - APN 001-660-060).

Vice-Chairman Dalling disclosed that he was illegally evicted by MP Elko, LLC.

Ms. Laughlin went over the City of Elko Staff Report dated November 20, 2018. Staff recommended conditional approval with the findings and conditions listed in the staff report, which a change to Condition No. 8 to strike the school zone speed limit signage. It will not be a school zone, so there will not be a signage requirement. Plans to address Condition No. 10 have been provided.

Mr. Wilkinson asked if the pedestrian access off of Noddle was what was referred to in Condition No. 8.

Ms. Laughlin said that was correct. They would address pedestrian access from the right-of-way at the intersection to the sidewalk and over to the school in a Building Permit Application.

Vice-Chairman Jeff Dalling asked if there was going to be a crosswalk at the other entrance.

Ms. Laughlin explained that they are prohibiting any pedestrian access to the southeast access off of Spruce.

Mr. Wilkinson explained that the reason for that was that there was no sidewalk on the north side of Spruce Road, so they don't want to encourage pedestrian access on Spruce Road. They don't want a midblock crosswalk and they don't want to reduce the speed limit through there on Spruce Road. The best thing to do is prohibit student/pedestrian access at that point.

Ms. Laughlin said that is a blind corner, and we don't want children having an inner-block crosswalk.

Commissioner Tera Hooiman asked if they thought parents were going to abide by that.

Mr. Wilkinson said it was up to MP Elko to enforce that and comply with the Conditional use Permit.

Commissioner Hooiman asked if it would be the responsibility of the school if parents are dropping off students in that area.

Ms. Laughlin pointed out that there was a drop off and pick up zone right in front of the school as part of their plan. They have two lanes for drop off and pick up.

Commissioner Hooiman asked why they weren't providing a school zone, but they were providing a crosswalk by Noddle.

Mr. Wilkinson said they had a crosswalk there, so if a pedestrian enters into a crosswalk vehicles must stop.

Commissioner Hooiman asked why the crosswalk was on the opposite side.

Ms. Laughlin because if they put it on the other side, it would be an inner-block crosswalk, it wouldn't be at an intersection.

Commissioner Hooiman said they were requiring parents to drive into the facility to do the drop off.

Ms. Laughlin said drop off and pick up would be at the school, not outside the school.

Commissioner Hooiman said as a parent at Grammar, parents drop off everywhere. She felt like if they were to make that a school zone and make it more accessible for the parents and the kids. She thought that would be safer than no parking along that road.

Mr. Wilkinson said they don't want to encourage street use for schools. They are not designed for parking and dropping students off. There is an 'S' curve situation and that would really present some problems. A school speed zone is not to accommodate parking and dropping kids off.

Commissioner Hooiman said her concern was that they are not allowing for that, but are parents still going to do that. There are no parking zones all over by Grammar No. 2 and parents park there anyway to drop of their kids.

Mr. Wilkinson said if they try to encourage drop off on Spruce and there was an accident that would be bad news. If there was a condition that said it was prohibited and a parent chooses to brakes the law, the results of their actions would be their liability. The problem is if they create a school zone on Spruce Road at that location, it is not appropriate. It could always be done later, if it is deemed appropriate. That would be a terrible place to have a crosswalk and a school zone. It is bad enough downtown where they have the school now. When they went through that permitting process, the first thing staff pointed out was that parking was on the other side of the street, and that that would be a problem. Staff was assured that that would not be a problem. Within two weeks they were wanting a bid-block crosswalk. That is poor practice to put crosswalks mid-block, where operators of vehicles aren't anticipating those type of conflicts with other vehicles or pedestrians. It is not a good location. We are trying to discourage that use and we don't want them parking on Spruce, and we don't want them to allow kids to walk down Spruce and access it, unless they go all the way down to Noddle to a crosswalk. Mr. Wilkinson thought they should hear from applicants on how they will make sure that their proposed use is a safe use going forward. Staff has identified that as a big concern. He thought creating a school zone would encourage parents to park up there to drop of their kids.

Chairman David Freistroffer arrived at 6:26 p.m.

Ms. Laughlin explained that one of the differences was this school has a designated drop off and pick up zone area, where Grammar No. 2 does not. The drop off/pick up zone is right in front of the school and they have direct access to a sidewalk that is part of their school grounds.

Commissioner Hooiman thought with the subdivisions up above, there was a possibility for kids to be walking to school from all over the place. She asked if they should consider curb, gutter, and sidewalk along Spruce road.

Ms. Laughlin explained that there is curb, gutter, and sidewalk along Spruce, it just ends at the NDOT right-of-way. The intention is if there is curb, gutter, and sidewalk there, then that is promoting pedestrian walking to the school on that southeast section, and we don't want to do

that. We would like them all to report to the intersection of Spruce and Noddle. That intersection is a lot safer for students to be able to cross the street.

Mr. Wilkinson thought if you looked at the subdivisions above, the logical access is going to be down Argent, rather than going over to Copper. You could have some students from the apartments, but they would be encouraged to walk down to Noddle to cross. It is up to the school and the property owner to make sure that we aren't having those issues as a result of their proposed use.

Ms. Laughlin thought that the school had surveyed the parents and maybe they could report on what the findings were.

Lori Lynch, 1031 Railroad Street, explained that they sent out a survey to their parents to find out exact location and how their transportation would be coming to the school, based on the current students. Through those applications they received a 90% response, and they had one that said their student would be walking or riding a bike. The rest of them would be transported by parents. They go up to Grade 8, so they don't have any drivers. Where they are now, they have very few walkers, most parents drop off their kids. When they were working with Meridian and trying to come up with the layout, safety was their number one concern. They were trying to design the area in the safest way for both the students and the parents, but also not to affect the retail. They were confident with the one way drop off area and the parking. They also have teachers and flaggers out in the morning to direct traffic and help with loading and unloading. Most of their students arrive via vehicle. Very few of their students reside in that area at this point. One of the questions that they had been talking about was Spruce Road being a designated school zone. Because safety is their number one concern, lowering the traffic speed on the corner could help, but they will educate the parents, students, and staff.

Vice-Chairman Dalling said the school was going to be next to two guns stores. He asked if that bothered them at all.

Ms. Lynch explained that they had done a lot of research on that. Where they are located now, they are within the same proximity of pawn shops that also sell guns. It is actually a little bit closer to where they are now. They had a gun store across the street from them a few years ago, that has since shut down. They have always been in the vicinity of gun sales. They feel that the Sportsman's, because of the regulations and the enforcement of guns sales through a retail market, is a lot more secure than it is through pawn shops and private sales. They also have letters from the Legislative Council Bureau with findings that that is completely within their regulations and the gun free zone. Sportsman's Warehouse is fully aware of the school being located within that facility, have partnered, and know their compliance and the regulations that are in place. They feel that the gun sales that are happening where they are now are less restricted than what they will be in this location.

Vice-Chairman Dalling said his other question was on the parking. He saw that the minimum requirement was met. There will be 150 vehicle trips per day, twice a day, and 192 students. There are 30 employees and 36 parking spots required. He said they were putting in 40 spaces. Technically there would be an extra 10 spaces. There is also going to be more development in the facility that will be using more parking. He said this was going to build a lot of buzz and excitement. He was wondering if it would pack up and if there would be room to park.

Ms. Lynch said they don't have parents that park and stay, they just drop off. The parking requirements that they would have would be strictly for staff and visitors, so they would never really have 150 vehicles at any given time parking. Events usually take place in the evening. They've never used that many parking spots, so she didn't see it becoming an issue.

Vice-Chairman Dalling said he was just curious if they had an event at night, then everyone will still be shopping at night. What about if you have parent teacher conferences. He thought parking could be a premium at times.

Ms. Laughlin said under the Elko City Code 3-2-17 the entire complex will have to comply with Schedule G. It will be analyzed under each area of that building for each occupancy.

Vice-Chairman Dalling said he looked more at the reality of it. You can meet a minimum, but sometimes people show up, which he thought they were going to get a lot of people over here.

Commissioner Stefan Beck asked if the Kohl's was where the Kmart used to be.

Ms. Laughlin explained that the whole building was the old Kmart building.

Commissioner Beck asked if the goal was to build, or annex, or something, to put an Elko Institute for Academic Achievement School.

Ms. Lynch explained that would be within the existing facility already. The existing facility was going to be separated into separate business.

Commissioner Beck asked if there was going to be a new traffic pattern. He mentioned that the southeastern entrance off of Spruce Road, which is labeled as a delivery exit, was a convenient way for a majority of the customers that will be utilizing the facility to access the facility. He asked if that was still going to be a two way street.

Ms. Lynch said they had talked about this already, as far as that entrance and exit. They wanted to make it a one way just for the school entrance, and she thought it would be a one way out.

Commissioner Beck said he would object to that, because that would be a much easier entrance into the parking lot for a lot of people. His first concern would be to not make that an exit only, but to continue to allow it to be an entrance point.

Ms. Laughlin explained that the plan he was referencing was simply for the turning radius for the deliveries to the back of the facility. This is not the site plan that is for the conditional use permit that is part of the project. There will be two way traffic at that southeast entrance.

Commissioner Ian Montgomery wanted to clarify that the school would be servicing Kindergarten through 8th Grade, and that they currently have 192 students.

Ms. Lynch explained that they had 198 students, they have nine classrooms with 22 students in each classroom. She added that they had been searching for a location for new school for a few years. They've been going through City Inventory and vacant buildings, and they have been

looking for a long time. Their lease is up at the end of the year. She mentioned that Meridian already had shopping plazas with schools located within their facilities. They are familiar with what schools require and the structure with schools. This facility, and working with Meridian, has been nothing but positive, as far as the school having the ability to expand and it all fits.

Commissioner Hooiman asked if Ms. Lynch was anticipating additional growth within the school in the next couple of years.

Ms. Lynch said yes, they are looking at their long range plan. They've been looking at opportunities for expansion and being able to grow. The current facility does not allow for that. They are at capacity where they are, and there are no opportunities for growth. They've never been able to move forward with any long term goals for expansion and expanding their facility into two classrooms for each grade.

Commissioner Hooiman asked if this new facility would give them that opportunity. (Yes) Ms. Hooiman asked by what percentage.

Ms. Lynch said the square footage would allow them to double in growth.

Mr. Wilkinson wanted to hear from the representative from MP Elko on how they will manage this school and the Spruce Road issues. He thought, fundamentally, what we don't want to do is have the impact overflow on to Spruce Road. We don't want to have pedestrian traffic up there on Spruce Road, except at an intersection at a crosswalk. We don't want to have people pulling over, parking, and dropping off students. We don't want to have a school zone that encourages that. We don't want any impacts onto Spruce Road. It is going to be the responsibility of the property owner, who the CUP will be issued to, to ensure that doesn't happen. He didn't view it different than having stores there. There will be a little impact twice a day, but not hugely different than when stores open at the start of a day.

David Fonua, 6276 Ranchero Drive, explained that they currently operate a shopping center with a 2,500 square foot school located in highly concentrated area in Hawaii. They relocated a small school that had the need to grow. They put them in a main anchor area, which sits in the middle of a shopping center. Prior to the school opening they held three meetings for the public, the parents, and all the teachers involved with the school. They had previously worked out drop off and delivery times and how they would help keep people safe. There was a Code of Conduct that was drafted by the school that each parent had to sign as the school moved into this location. They held the meeting three different times, where they educated the parents, the students, and also the other tenants that were around the school. They had a lot of meetings to try to encourage safety and education.

Mr. Wilkinson thought it sounded like a good idea to have a condition that the school have the parents sign a Code of Conduct that delivers with some of the conditions, like no pedestrian access off of Spruce Road, no parking on Spruce Road, no parking and drop off on Spruce Road, etc. He thought that might be an additional condition for the Planning Commission to consider.

Vice-Chairman Dalling asked what Mr. Fonua's thoughts were on Spruce Road and any trouble with that.

Mr. Fonua felt that it was imperative that they stripe that red with signs posted. They want to make sure that there are no children crossing the street at that area. He thought it was going to be important to really educate the parents on what can happen. Safety is their number one goal. To speak to the expansion opportunities and the way that Charter Schools are funded. Charter Schools get funded when they have a student in a seat. So, they can't grow unless they have that student sitting there, and at the same time they can't pay for a larger space without a student sitting there. They can't advertise that they can grow their facility without the space. When Gary Pinkston was approached by Jim Winer and the School, he came up with the plan that he would essentially build out the entire square footage, and only lease them the space that they currently need and can pay for. That gives them the opportunity to market for them to grow. Every year there is a refresher, in Hawaii, about a week before school starts on the requirements.

Mr. Wilkinson thought the Planning Commission should consider red striping and posting signs on Spruce Road on the north side of the road about 100 feet past southeast entrance to the entrance for the hotel.

Commissioner Hooiman asked how the red striping was going to work if there was no curb, gutter, or sidewalk on that side.

Mr. Wilkinson said there was curb on that side, there was just no sidewalk.

Commissioner Hooiman asked if there was going to be sidewalk added, or if the curb was just going to be painted red.

Mr. Wilkinson answered that they would just paint the curb red. Staff doesn't see construction of sidewalk on that side of the road being tied to the use of the property. We want to encourage vehicular drop off and pick up, rather than pedestrian access. He thought that condition should be modified for the demarcation to be on both sides of Spruce Road from the entrance of the hotel to the north to 100 feet beyond the southeast entrance to the site.

Commissioner Beck said Mr. Fonua exhibited effort and confidence in Hawaii to educate the parents. He stated he didn't have that confidence that the Nevada parents would be that easy to adhere to the fine efforts. Commissioner Beck asked why Mr. Fonua picked this location for a school. He said it looked like they were putting this school in high density traffic area with a bunch of retail outlets. He asked if this was an economic decision or if they were limited to where they could put the school.

Mr. Fonua said yes and no. He said it was hard to put the school dead center in that big building. He also said the school came to them and was looking for space. They played with the numbers and the idea of having it in this location. They were just trying to make it work and see if they could accommodate them. They have had some success in the other locations where they are hoping to bring their customer to the retailer a couple times of day. As they strategize in the retail industry, they are constantly trying to figure out how to keep up with Amazon. They've had some success in intermingling uses and bringing parents to the shopping centers a couple different times a day to drop off, or pick up, their kids. They have found that Charter Schools have a hard time getting funding and being able to find good space to accommodate their needs, so this allows them to be able to help the schools as well.

Ashley Perkins, 1031 Railroad Street, wanted to discuss the Charter world, the way that financing works, and what Mr. Fonua was talking about. They are not funded in the same ways that the district schools are funded. They are funded through the State, they get paid per pupil as the districts do, but they don't get the extra finances for the facility. District Schools get pay as you go, and get to stock pile, and they also get additional funds for facilities that the Charter schools don't currently get. This is the only way Charter schools are able to survive, unless they have several very large donors, or have been a Charter school for an extended amount of time with a solid board and a solid vision moving forward. Ms. Perkins stated that they were not in either of those circumstances. The reason they like the back corner of this facility is because a lot of these schools sometimes in these malls, you walk into the main entrance and it is just like walking into a store. They like having a separate entrance. They don't want the people from the stores to be able to walk in and walk across the hall and there is the school. The way they have it designed is as soon as the kids are dropped off they are buzzed in and they don't leave the walls of the school, or the fence of the playground, at all throughout the day, unless the teachers are taking them off campus. They have some huge safety concerns at their current facility. The foot traffic is a homeless walk through. They are having to chase people out of there constantly. When the school was designed, the hallways were not designed wide enough to be able to incorporate doors on the classrooms, so their classrooms don't have doors. They have to work closely with Officer State to train the teachers in defense, because they don't have doors to barricade. This proposed facility would allow them to put up doors, and be sealed from the outside in. Having the facility in the back corner separates them from the other retail stores, which is something that they like. Being a Charter School, with the finances that they have, teaming up with some of the bigger retailers is the only way to survive. The Charter School in Ely is in the same boat, but they don't have a builder willing to work with them. Their rent is moving up from \$1,400 a month to \$2,600 a month, which means all of those resources are being pulled from the students. They are pretty strategic about the academics of their school, on top of the safety. They were just rated as a five star school, one of the top 10 schools in Nevada for their Junior High sector.

Mr. Thibault had no additional comments and recommended approval.

Mr. Holmes said he had many concerns. A lot of them had been addressed tonight. He said he had no other comments at this time.

Mr. Wilkinson recommend approval as presented by staff, with consideration to modify Condition No. 7 requiring demarcation and no parking on both sides of Spruce Road as discussed. He also wanted the Planning Commission to consider another condition where they sign a Code of Conduct specific to Condition 11 as presented in the staff memo.

Commissioner Hooiman asked if the parents would be the one signing the Code of Conduct. (Yes)

Ms. Laughlin reminded the Commissioners about the modification to Condition No. 8 with school zone speed limit signage removed.

Commissioner Hooiman said she was still questioning why. She thought if they were trying to be proactive in the Spruce Road thing, then there needed to be some sort of major speed reduction

or a school zone. If they were going from 192 to potentially 400 or more students, she saw the potential of something bad happening in the area.

Vice-Chairman Dalling stated that he had a question for Ms. Lynch. They currently have 198 students. He asked what their expansion capabilities were at the new facility. He also asked how many students they would be able to accommodate.

Ms. Lynch explained that the new facility could increase the school by a classroom per grade. Right now they are Kindergarten through 8th Grade, with one classroom per grade. The facility has an expansion capability of two classrooms per grade Kindergarten through 8th Grade.

Vice-Chairman Dalling asked if they could potentially have 400 students. If they had the space and they grew, would they have parking to accommodate that growth?

Mr. Fonua asked Ms. Lynch how many staff she would have if they added a classroom per grade.

Ms. Lynch explained that administration would remain the same, it would be increasing teaching staff one per grade, so an additional 9 teachers.

Vice-Chairman Dalling asked if they would only have 45 employees total.

Mr. Fonua explained that the students would grow, but as far as the need for fixed parking for staff would not grow at that same percentage.

Vice-Chairman Dalling asked where they would put the additional 10.

Mr. Fonua explained that they already had extra.

Lana Carter, 3141 College Court, explained that when they figured out the parking, she based it on the total square footage. Even with the expansion they seem to be coming in where they need to be, because she did the calculation based on everything they could expand into, not based on what they have now.

Ms. Lynch wanted to add within the survey they sent out there was a portion and an opportunity for all of the parents to comment on any concerns they might have had. Their primary concern was safety also. Ms. Lynch was confident that the parents would adhere to the Code of Understanding.

Mr. Fonua said that they understood that this was not a typical use, and that they don't see this often. This is starting to happen. Fallon's Charter School is in a Wal-Mart Building, with a Big 5 and a couple other retail stores. He hoped that the Planning Commission would encourage this. He was hoping that this would be a positive experience and institution for everyone moving forward. They will do their very best to ensure the safety of the students at this location, and also the shopping experience.

Commissioner Montgomery said he had a different perspective than some of the other Commissioners, because he is a substitute teacher. He thought this looked really good for a Charter school. He said he was happy and excited for it.

Commissioner Hooiman said she was excited for it, but she still had heartburn with there not being a school zone and having parents and kids in that area.

Mr. Wilkinson said Commissioner Hooiman could move to have a condition that includes a school zone and see if the Planning Commission agreed.

Vice-Chairman Dalling didn't know if they should punish the rest of the City to slow down.

Commissioner Montgomery thought that would make the problem worse. It would congest the whole area and encourage parents to stop all along Spruce.

Commissioner Hooiman said it wouldn't encourage them to stop, it would just encourage them to slow down.

Commissioner Buell said it's not the primary use of a school zone. Those are for reducing speed for pedestrian traffic, and there is not to be any pedestrian traffic.

Vice-Chairman Dalling said it wasn't the drop off that was the problem, it's the pick-up that's the problem, because parents get there early.

Mr. Wilkinson pointed out that there were two travel lanes for drop off and parking out front. Initially he felt that there needed to be a school zone on Spruce. He discussed it with the Public Works Director and he felt that it wouldn't be appropriate. When Mr. Wilkinson thought about establishing those and slowing people down. He thought with the other one as soon as they established the school zone and the crosswalk people started parking in the street and dropping people off. He didn't want to see that happen on Spruce. We can always establish a school zone later if there are some safety issues. The problem is if you have it as a condition of the CUP for the property owner are they going to maintain all the signage, or is it going to be the City. If the City establishes it later they are maintaining the signage and maintaining that zone.

Commissioner Buell thought the biggest element was that this was a separate issue from the CUP. This is something that can come up elsewhere, but not attached to this permit.

Vice-Chairman Dalling thought Commissioner Hooiman's objective was if they were being proactive or reactive.

Commissioner Buell said if the majority wanted to put in a school zone before this project was completed, but she didn't think that should be part of the CUP.

Vice-Chairman Dalling said they were with Commissioner Buell, Commissioner Hooiman just wanted to voice her worries and concerns. Mr. Dalling said, personally, he would have never thought to put a school in this location. He was a little worried about parking and traffic for all the neighbors. It is a busy area. He thought it was a good idea for the parents to sign the Code of Conduct.

Mr. Wilkinson said if that was a condition that is considered, he suggested them submitting a draft proposed Code of Conduct to the City Planner to ensure that that draft would address

Condition No. 11 and that the City Planner would then provide an approval that that condition is being addressed in the Code of Conduct.

Vice-Chairman Dalling said they were also going to add to file with the City Planner's Office every year.

There was discussion regarding the description for the striping on the north side of Spruce Road.

*****Motion: Conditionally Approve Conditional Use Permit No. 5-18 subject to the conditions in the City of Elko Staff Report dated November 20, 2018, with modifications to Conditions No. 7 and 8 and an additional condition, listed as follows:**

- 1. The permit is granted to the applicant MP Elko, LLC.**
- 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. The CUP 5-18 be approved for the building layout as shown in the provided site plan Exhibit A.**
- 4. CUP 5-18 to be recorded with the Elko County Recorder within 90 days after the commencement of the expansion to the current facility.**
- 5. All landscaping required by Elko City Code shall be maintained in a manner acceptable to the City of Elko at all times by the property owner.**
- 6. Signage will require a separate application with the Building Department and be subject to Elko City Code 3-9.**
- 7. Vehicular parking, of any type, including temporary parking for drop-off and pick-up shall be prohibited along the Spruce Road frontage. The applicant shall be responsible for installation of signs and curb face demarcation to fulfill the intent of this condition. Red stripe the north side of Spruce Road from APN 001-660-0AB to 100 feet beyond the southeast entrance.**
- 8. Install proper crosswalk markings as required.**
- 9. NDOT approval of changes to the parking lot layout may be required.**
- 10. Auto turn diagrams are required showing there are no conflicts between freight deliveries and the school drop off and parking areas.**
- 11. Student access to and from Spruce Road is prohibited at the south east access point to Spruce Road. Student drop off and pick up is encouraged to ensure there are no pedestrian/vehicle conflicts near the south east ingress/egress to the property.**

Students not dropped off or picked up must utilize the pedestrian crossing at the Spruce Road and Noddle Lane intersection.

- 12. A signed Code of Conduct will be filed for each student with the City Planner each year with prior approval of a draft.**

Commissioner Buell's findings to support her recommendation 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 proposed development is in conformance with the existing transportation infrastructure and the Transportation Component of the Master Plan. 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 Stefan Beck.

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

Before the vote Mr. Dalling asked Ms. Lynch if they were ok with the condition about the Code of Conduct.

Ms. Perkins said they were ok with the Code of Conduct, having parent nights, and educating and informing the parents. As a public school they follow the same public law that the other schools do, so if a parent chooses not to follow that Code of Conduct they are limited in how they can hold them accountable.

The Commission then voted on the motion.

Vice-Chairman Dalling called for a Recess at 7:26 p.m.

The Commission reconvened at 7:32 p.m.

Chairman David Freistroffer took over as Chairman.

6. Review, consideration, and possible recommendation to City Council for Rezone No. 8-18, filed by Koinonia Construction, Inc., on behalf of Copper Trails, LLC for a change in zoning from R1 (Single-Family Residential) and R3 (Multi-Family Residential) to R (Single-Family and Multi-Family Residential), approximately 19.194 acres of property, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally northwest of the intersection of Copper Street and Mittry Avenue. (APNs 001-610-114).

Ms. Laughlin went over the City of Elko Staff Report dated November 20, 2018. Staff recommended approval of the rezone with the findings listed in the staff report.

Mr. Thibault recommended approval as presented.

Mr. Holmes recommended approval. He reminded the applicant to keep an eye on the Fire Code, because when you over 30 houses you have to have a secondary access.

Mr. Wilkinson recommend approval as presented by staff.

*****Motion: Forward a recommendation to City Council to adopt a resolution, which approves Rezone No. 8-18.**

Commissioner Buell's findings to support her motion was 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 3-2-5(E) and (G). The application is in conformance with Elko City Code 3-2-21. The proposed zone district is in conformance with Elko City Code Section 3-3-5(A). The proposed zone district is not located in a designated Special Flood Hazard Area (SFHA). The proposed zone district is consistent with surrounding land uses. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.

Moved by Evi Buell, Seconded by Stefan Beck.

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

7. Review and consideration of Preliminary Plat No. 13-18, filed by Koinonia Construction, Inc., on behalf of Copper Trails, LLC, for the development of a subdivision entitled Copper Trails Phase 2 involving the proposed division of approximately 19.194 acres of property into 29 lots and a remainder parcel for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally northwest of the intersection of Copper Street and Mittry Avenue. (APNs 001-610-114)

Ms. Laughlin started going through the City of Elko Staff Report dated November 21, 2018.

Mr. Wilkinson pointed out that the Tentative Map was not in conformance with F3, the easement for the extension of the 8 Mile Spillway is required. They have addressed that with the submittal.

Ms. Laughlin continued going through the Staff Report. Staff recommended conditional approval of the Tentative Map with the findings and conditions listed in the staff report, with a modification to Condition No. 4 to read as follows: City Council approval of the amendment to the approved Development Agreement to include Phase 2 is required as a condition for City Council approval of the tentative map, and also Condition No. 15 the letter was revised and now has a date of December 3, 2018.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff.

Lana Carter wanted to make sure Mr. Fitzgerald and herself understood the change to Condition No. 4.

Ms. Laughlin read the condition: City Council approval of the amendment to the approved Development Agreement to include Phase 2 is required as a condition for City Council approval of the tentative map. She explained the reason for this change was because the amendment does go to the City Council as an Ordinance. The timing of the new Subdivision Code states that the Preliminary Plat needs to be heard by the City Council within 60 days of the Planning Commission. Staff does not feel that they would be at the approval of the Second Reading of the Ordinance for the Development Agreement Amendment.

Mr. Wilkinson clarified that the subdivision that has been presented would not be in conformance with lot dimensions and there would be no justification for a modification of standards for that, except that we have this Development Agreement that allows for narrower lots. We have to have the amendment of the agreement approved by the City Council in order for the subdivision to move forward. This area was included as an area that could be developed if the agreement was amended.

*****Motion: Forward a recommendation to City Council to conditionally approve Preliminary Plat No. 13-18 subject to the conditions found in the City of Elko Staff Report dated November 21, 2018, with modifications to Conditions No. 4 and 15, listed as follows:**

- 1. The subdivider is to comply with all provisions of the NAC and NRS pertaining to the proposed subdivision.**
- 2. Planning Commission recommendation for approval of zone amendment 8-18 in conjunction with hearing of the tentative plat application.**
- 3. City Council approval of the proposed zone amendment is required prior to City Council approval of the Tentative Map.**
- 4. City Council approval of the amendment to the approved Development Agreement to include Phase 2 is required as a condition for City Council approval of the tentative map.**
- 5. Tentative map approval constitutes authorization for the sub-divider to proceed**

with preparation of the final map and associated construction plans.

6. Tentative map approval does not constitute authorization to proceed with site improvements, with the exception of authorized grading, prior to approval of the construction plans by the City and the State.
7. The applicant submits an application for final map within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the tentative map will automatically lapse at that time.
8. A soils report is required with final map submittal.
9. Final map construction plans improvements are to comply with Chapter 3-3 of City code.
10. The subdivision design and construction shall comply with Chapter 9-8 of City code.
11. The Utility Department will issue an Intent to serve letter.
12. A note shall be added to the final map restricting the access for Lots 2 & 3 limited to Platinum Drive and Lot 1 to be limited to Quartz Drive.
13. A modification from standards for full road improvements on Copper Street shall be approved by the City Council.
14. Revise the tentative map to show a drainage easement for the extension of the Eight Mile spillway prior to City Council consideration of the tentative map.
15. Address comments in the staff letter dated December 3, 2018.

Commissioner Buell's findings to support her recommendation was the proposed subdivision and development is in conformance with the Land Use Component of the Master Plan. The proposed subdivision and development is in conformance with the Transportation Component of the Master Plan. The proposed subdivision and development does not conflict with the Airport Master Plan. The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report – November 2012. The property is not located within the Redevelopment Area. The proposed subdivision and development are in conformance with the Wellhead Protection Program. The sanitary sewer will be connected to a programmed sewer system and all street drainage will report to a storm sewer system. A zoning amendment is required due to the amendment to the development agreement to include the remainder lot, which has a dual zoning of R1 and R3. The proposed zoning of R from R1 doesn't change the design or requirements of the subdivision. In accordance with Section 3-3-5(E)(2) the proposed subdivision and development will not result in undue water or air pollution based on the following: a) There are no obvious considerations or concerns, which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations. b) There is adequate capacity within the City's water supply to accommodate the proposed subdivision. c) The proposed subdivision and development will not create an unreasonable burden on the exiting water supply. d) There is adequate

capacity at the Water Reclamation Facility to support the proposed subdivision and development. e) The proposed subdivision and development will be connected to the City's programmed sanitary sewer system, therefore the ability of soils to support waste disposal does not require evaluation prior to Tentative Map approval. f) Utilities are available in the immediate area and can be extended for the proposed development. g) Schools, Fire and Police and Recreational Services are available throughout the community. h) The proposed subdivision and development is in conformance with applicable zoning ordinances and is in general conformance with the Master Plan based on the constraints of establishing reasonable grades for roadways, lot grading, and slope maintenance. i) The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets. j) The area is not located within a designated flood zone. Concentrated storm water runoff has been addressed as shown on the grading plan. k) The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in the water holding capacity of the land, thereby creating a dangerous or unhealthy condition. The proposed subdivision submittal is in conformance with Section 3-3-6 of City Code with the following exception: Email address is not shown for subdivider or engineer. This is not a significant deficiency. The proposed subdivision is in general conformance with Section 3-3-9 of City Code. The proposed subdivision is in conformance with Section 3-3-10 of City Code. The proposed subdivision is in conformance with Section 3-3-11 of City Code. The proposed subdivision is in conformance with Section 3-3-12 of City Code. The proposed subdivision is in conformance with Section 3-3-13 of City Code with the approval of Lots 1, 2, & 3 as double front lots and access restricted to Platinum Drive for Lots 2 & 3 and Quartz Drive for Lot 1. The proposed subdivision is in conformance with Section 3-3-14 of City Code. The proposed subdivision is in conformance with Section 3-3-15 of City Code. The proposed subdivision and development is in conformance with Section 3-2-3 of City Code. The proposed subdivision and development is in conformance with Section 3-2-4 of City Code. The proposed subdivision and development is in conformance with Section 3-2-5(E)(2). Conformance with Section 3-2-5(E) is required as the subdivision develops. The proposed subdivision and development is in conformance with Section 3-2-5(G) of City Code with the approved Development Agreement. The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops. The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with Section 3-8 of City Code.

Moved by Evi Buell, Seconded by Stefan Beck.

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible recommendation to City Council for Vacation No. 2-18, filed by A.M. Engineering, LLC, for the vacation of a portion of D Street and W. Cedar Street right-of-way abutting APN 001-143-001, consisting of an area approximately 2,467.89 square feet, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east corner of the intersection of W. Cedar and D Street. (APN 001-143-001)

Aaron Martinez, 742 D Street, explained that the application that was in front of the Commission was to vacate the right-of-way. The petition was approved by City Council. He stated that the property was inoperable without this. His firm purchased the facility knowing that they would have to go through this process. The building was vacant for 12 months, so it will need to be brought up to current Code. Without this vacation he would not be able to park at the facility. Moving forward, he thought it was conducive with the City. He didn't see the City occupying that right-of-way to expand that street.

Ms. Laughlin went through the City of Elko Staff Report dated November 20, 2018. Staff recommended conditional approval with the findings and conditions listed in the staff report, with an additional condition to read: A 7.5 foot wide utility easement is required on the proposed West Cedar Street and D. Street alignment and shall be included in the City Council order vacating the right-of-way.

Mr. Thibault recommended approval.

Mr. Holmes had no comments or concerns.

Mr. Wilkinson recommended approval as presented by staff.

Chairman Freistroffer said his only concern was that there wasn't any other way to put in parking instead of doing a vacation.

Vice-Chairman Dalling asked Mr. Martinez if he was redoing the sidewalk all the way around.

Mr. Martinez said his firm was going to be investing around \$9,000 for the frontage improvements for the curb, gutter, and sidewalk, which will perpetuate all the way to the end of the property line. The Public Works Director is evaluating extending that infrastructure down D Street, but currently the Cedar Street ADA access that was currently installed will be perpetuated down across the frontage and end at the alley way.

Vice-Chairman Dalling said the building had been empty and it was an awkward building. He thought it would be a good fit and a good use of the building.

*****Motion: Forward a recommendation to the City Council to adopt a resolution, which conditionally approves Vacation No. 2-18, subject to the conditions listed in the City of Elko Staff Report dated November 20, 2018, with an additional condition, 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 7.5 foot wide utility easement is required on the proposed West Cedar Street and D. Street alignment and shall be included in the City Council order vacating the right-of-way.

Commissioner Buell's findings to support her recommendation was the proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. Strict conformance with the Master Plan under Section 8-7 is not required. The vacation and commercial land use is consistent with existing land uses in the immediate vicinity. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The area proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with Section 3-2-4 of City Code. The proposed vacation is in conformance with City Code 3-2-10(B). The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City Code. The proposed vacation will not materially injure the public and is in the best interest of the City.

Moved by Evi Buell, Seconded by Jeff Dalling.

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

2. Review and consideration of Site Plan Review No. 2-18, filed by The State of Nevada for approval of a modular building and the location in the PQP (Public, Quasi-Public) Zoning District. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest side of Idaho Street, approximately 450' northeast of Convention Drive. (1951 Idaho Street – APN 001-560-002)

Ms. Laughlin went through the City of Elko Staff Report dated November 6, 2018. Staff recommended approval with the findings listed in the staff report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Approve Site Plan Review No. 2-18.**

Commissioner Buell's findings to support her recommendation was 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 expansion of the development is required to conform 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 accessory structure. The proposed development is in conformance with 3-2-3, 3-2-17, and 3-8 of the Elko City Code.

Moved by Evi Buell, Seconded by Stefan Beck.

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

3. Review, consideration and possible granting of Parking Waiver 2-18, filed by Charm Hospitality, LLC to waive fourteen (14) required off-street parking spaces in connection with a hotel expansion within the C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Idaho Street, approximately 595 feet east of E Jennings Way (3019 Idaho Street).

Ms. Laughlin went over the City of Elko Staff Report dated November 14, 2018. Staff recommended approval with the findings in the staff report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval.

Vice-Chairman Dalling asked Ms. Laughlin if she could refresh him on what the Commission passed in June.

Ms. Laughlin explained that they passed it in June from 121 required to 110. They have now reduced the square footage of the new expansion and they are only required 120, but they eliminated 4 more parking spaces due to some accommodations for the Fire Department. They lost four more parking spaces, so they went from 120 required down to 106, and they were previously approved for 110.

Chairman Freistroffer said they previously approved them being short by 11, now they are approving them being short by 14.

Commissioner Beck asked what the physical name of the hotel was.

Ms. Laughlin said it was the Holiday Inn Express, and it would be changing to the Four Points.

Mr. Wilkinson thought a big consideration was that the Fire Code requires the access.

Mr. Holmes explained that a lot of it was access. Even though they are losing parking spaces for patrons, the Fire Department is gaining more of the life safety aspect of it, and more entrances.

*****Motion: Grant Parking Waiver No. 2-18.**

Commissioner Buell's findings to support her motion was that the existing use and proposed expansion are in conformance with the Land Use Component of the Master Plan. The existing use and proposed use is compatible with the Transportation Component of the Master Plan and is consistent with the existing Transportation infrastructure. The

property is not located in the Redevelopment Area. The existing use and proposed use is in conformance with the Wellhead Protection Plan. The existing use and proposed use is in conformance with Section 3-2-10 of City Code. The proposed expansion includes amenities that are typically associated with the existing use and is not expected to generate additional traffic resulting in a parking deficit.

Moved by Evi Buell, Seconded by Stefan Beck.

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

4. Review, consideration, and possible recommendation to City Council for Vacation No. 3-18, filed by Joy Global Surface Mining, Inc., for the vacation of a portion of P&H Drive right-of-way on the west end of P&H Drive, consisting of an area approximately 1.38 acres, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the west end of P&H Drive.

Danny Murtaugh, 4450 P&H Drive, explained that they recently purchased three lots across from their existing facility. Ultimately they will consolidate all of those lots into what will be future State One Master Service Center. They are seeking vacation of P&H Drive to support the development of the new site.

Ms. Laughlin went over the City of Elko Staff Report dated November 20, 2018. Staff recommended conditional approval with the findings and conditions in the staff report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval

Mr. Wilkinson recommended approval.

*****Motion: Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 3-18, subject to the conditions listed in the City of Elko Staff Report dated November 20, 2018, listed as follows:**

1. The applicant is responsible for all costs associated with the recordation of the vacation.
2. A deed of dedication be approved by City Council for the cul-de-sac turnaround radius before recordation of the vacation.
3. A parcel map to merge the parcels must be approved and recorded prior to the recordation of the vacation.
4. 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 her recommendation were the proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation is in conformance with the Land Use Component of the Master Plan. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The area proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with Section 3-2-4 of City Code. The proposed vacation is in conformance with Section 3-2-5 of City Code. The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City Code. The proposed vacation will not materially injure the public and is in the best interest of the City.

Moved by Evi Buell, Seconded by Stefan Beck.

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

5. Review, consideration, and possible action to set regular meeting dates as well as special meeting dates for 2019, and matters related thereto. **FOR POSSIBLE ACTION**

There was discussion about possible conflicts with meeting dates and possible alternative meeting dates.

*****Motion: Move the January 1, 2019 regular Planning Commission meeting to January 3, 2019, all other meetings are to remain the first Tuesday of the month.**

Moved by Jeff Dalling, Seconded by Stefan Beck.

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

II. REPORTS

- A. Summary of City Council Actions.
- B. Summary of Redevelopment Agency Actions.
- 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 at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Jeff Dalling, Vice-Chairman



Tera Hooiman, Secretary