

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.S.T., TUESDAY, JANUARY 5, 2016
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

NOTE: The order of the minutes reflects the order business was conducted.

CALL TO ORDER

The meeting was called to order by Aaron Martinez, Chairman of the Elko City Planning Commission.

ROLL CALL

Present: David Freistroffer, Jose Negrete, Aaron Martinez, Joe Becker,
John Anderson, Jeff Dalling

Excused: Tera Hooiman

City staff present: Scott Wilkinson, Assistant City Manager; Dave Stanton, City Attorney;
Jeremy Draper, Development Manager; Bob Thibault, Civil Engineer;
Josh Carson, Fire Marshal; Rebecca Hansen, Planning Technician

PLEDGE OF ALLEGIANCE

INITIAL PUBLIC COMMENT PERIOD

There were no public comments made at this time.

APPROVAL OF MINUTES

July 7, 2015 – Regular meeting **FOR POSSIBLE ACTION**
August 4, 2015 – Regular meeting **FOR POSSIBLE ACTION**
September 1, 2015 – Regular meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the July 7, 2015, August 4, 2015, and September 1, 2015 minutes. Moved by Joe Becker, Seconded by Jose Negrete. The motion passed with Commissioner Negrete abstaining from the July and September meetings.**

October 6, 2015 – Regular meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the October 6, 2015 minutes in their entirety. Moved by David Freistroffer, Seconded by Jose Negrete. The motion passed unanimously.**

I. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review, consideration, and possible recommendation to City Council for Rezone No. 15-15, filed by Daniel Norfleet, for a change in zoning from C (General Commercial) to RO (Residential Office) to allow financing of an existing single family residence with possible future office use, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northerly side of Court Street, approximately 80 feet west of 4th Street (369 Court Street).

Daniel Norfleet has owned the house since 2007. It is currently a rental. He would like to have it rezoned for ease of future sale.

Mr. Draper pointed out this property has topographic challenges. Approximately half way back, the property rises approximately 15 feet. That is why the structure was built closer to Court Street and will require a variance. Residential Office not only makes it easier to sell, but it will also make it easier to obtain financing since lending institutions now require a residential zone for residential buildings. He then gave an overview of his memo. The off-street parking is legal non-conforming, but any change to the use of the building will void that legal non-conforming use. He recommended conditional approval.

Mr. Thibault recommended approval, but pointed out this residence has two addresses.

Mr. Carson recommended approval.

Mr. Wilkinson recommended conditional approval. He pointed out changing the zone of this property will trigger a conditional use permit requirement on the adjacent property if anything were to occur on that property.

Chairman Martinez confirmed the neighbor has been notified. (yes)

Commissioner Becker asked if the building was built in 2002.

Mr. Draper said prior to 2002. Our code states anything in place prior to 2002 that doesn't meet the current parking standards is a legal non-conforming use.

Commissioner Dalling is not fond of spot zoning. This block is a very residential area. He asked Mr. Norfleet if he's just getting an appraisal or if someone is obtaining financing.

Mr. Norfleet said it is for someone to obtain financing if they want to buy it. He just wanted to make it easier on himself in the future. When he bought it in 2007 it didn't need to be zoned residential.

Chairman Martinez wondered if the property is currently used as residential, and if it always has been.

Mr. Norfleet said yes, as long as he's owned it. He moved out in 2015 and has rented it to his friend since then.

Mr. Wilkinson gave a history of the neighboring property. That was an old single-family residential use in a commercial zone. The home was so degraded it just needed to be demolished. The owner went to get financing and ran into the same issue where he couldn't get lending. We rezoned it RO to try to preserve the transitional zoning for that area.

Mr. Norfleet said as far as he knows his house was built in 1920. In terms of options, he'll either need to find someone who wants to continue to rent it or someone that wants to do a shop there. It limits his options in terms of selling the property in the future.

Chairman Martinez said it does and we've seen this case come across the board. Our decision of not allowing a rezone would impede him from selling his own personal property.

Commissioner Freistroffer thought Residential Office was a good transitional zone, and it was a reasonable rezone.

Commissioner Negrete wondered if the duplicate address issue needed to be addressed.

Mr. Norfleet explained when he initially bought the property the structure was a duplex.

Mr. Wilkinson wondered if the zone change was noticed by the APN or 369 Court Street.

Ms. Hansen couldn't remember, but thought it was both.

Mr. Draper said the action sheet says 369 Court Street.

Mr. Wilkinson said that's the address we'll need to have in our database going forward too.

Chairman Martinez said then the answer to Commissioner Negrete's question is no.

****Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 15-15 subject to the condition that a variance for the front yard setback is required.

Commissioner Freistroffer's findings are the zone change is in conformance with the City of Elko Master Plan Land Use Component, City Code Sections 3-2-4 (B) and (C) and 3-2-17, the City of Elko Wellhead Protection Plan, and development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety. The zone change is *not* in conformance with City Code Section 3-2-5 (F).

Moved by David Freistroffer, Seconded by Jose Negrete.

*****The motion passed unanimously.**

2. Review, consideration, and possible action on Variance No. 6-15, filed by Daniel Norfleet, for a reduction of the required front yard setback from 15 feet to 0 feet for the existing residential structure and to allow parking within the required front yard, to bring the property into conformance in conjunction with a zone change from C (General Commercial) to RO (Residential Office). **FOR POSSIBLE ACTION**

The subject property is located generally on the northerly side of Court Street, approximately 80 feet west of 4th Street (369 Court Street).

Mr. Draper explained the topography led to the building being placed right at the front property line. Additionally, the parking can't be pushed back. However, the parking is legally non-conforming. This is appropriate since the buildings on either side are also set at the front property line. He recommended conditional approval.

Mr. Thibault and Mr. Carson recommended approval.

Mr. Wilkinson recommended approval based on Council's approval of Rezone No. 15-15.

Commissioner Freistroffer stated this doesn't generally apply to other properties in the zoning district because of the topographical challenges, and because the previous use was a legal non-conforming use.

Chairman Martinez wanted to highlight to the applicant that this is currently a legal non-conforming use, and the applicant should check into what changing that use might do.

****Motion:** Conditionally approve Variance No. 6-15 subject to the following conditions:

1. A variance is granted for the primary structure as it pertains to the front yard setback only.
2. A variance is granted for the off-street parking allowing it to be located within the required front yard setback.
3. City Council approval of Rezone No. 15-15.

Commissioner Becker's findings are the special circumstances cited in the application are related to the existing conditions of the residential property not conforming to the proposed zone change. It does not appear that granting the variance will result in material damage or prejudice to other properties in the vicinity. Granting of the variance does not appear to be detrimental to the interest, health, safety and general welfare of the public. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. Granting of the variance will not impair natural resources.

Moved by Joe Becker, Seconded by David Freistroffer.

*****The motion passed unanimously.**

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible recommendation to City Council for Vacation No. 7-15, filed by Ormaza Series (212 Commercial), LLC, for the vacation of the alley right-of-way located between 2nd and 3rd Streets, and Commercial Street and Ormaza Way, consisting of an area approximately 135 feet in width by 20 feet in depth, and matters related thereto. **FOR POSSIBLE ACTION**

Pedro Ormaza owns all the property surrounding the alley. He's been using it for parking for about 40 years. He'd like to vacate it, combine the whole parcel and eventually build something new there.

Mr. Draper pointed out NV Energy has overhead utility lines there and would like a 10 foot easement. Satview Broadband also wanted to retain an easement, but when he reached out to them to find out if they actually have a use in the area they didn't return his phone call. It is unclear if they have utilities in the area. He recommended conditional approval.

Chairman Martinez wondered if Mr. Ormaza was aware of NV Energy's request.

Mr. Ormaza wasn't, but knows their pole is out there. When he put a transformer in behind Flying Fish he stubbed out lines to eventually get rid of that pole.

Commissioner Dalling wondered if they still needed the easement if the utility was already stubbed underground.

Mr. Draper explained if the service can't be vacated prior to this vacation being recorded we'll need that easement in place. Same thing with the water line.

Commissioner Dalling wondered what the four inch water line was even for.

Mr. Draper wasn't sure. It goes under the post office and probably feeds some of the older buildings to the west such as Blach Distributing.

Commissioner Becker wanted to make sure they didn't need to do a 20 ft. easement.

Mr. Ormaza said no they are right over each other.

Chairman Martinez wondered if they were requiring utilities be relocated. (no)

Mr. Thibault recommended approval.

Mr. Wilkinson recommended approval, but wanted a resolution to Satview Broadband's position. He felt they were confused because their email says they would deny the vacation. He wasn't sure they understood they could retain an easement. We need something more positive on file.

Commissioner Dalling called Satview Broadband and talked to Steve Halliwell. Their company-wide view was why they would ever give anything up. They just want to be able to use it in the future.

Mr. Wilkinson agreed. If they are ever going to put a utility in there they would need an easement, but if we have a utility that is going to take a blanket approach to deny all vacations then we'll have to consult with our legal counsel and determine how to deal with that type of issue.

Commissioner Dalling wondered what they would be serving even if they had conduit in there.

Mr. Wilkinson said if I were a utility company I'd say if I put that infrastructure in there I could serve three different parcels. They probably need to have a little better understanding of what we're trying to accomplish.

Mr. Ormaza wondered if they can still vacate the land but retain an easement. (yes)

Commissioner Dalling wondered if they could just make it a condition that Satview has an easement to resolve it tonight since Mr. Ormaza is okay with that.

Mr. Wilkinson said we have a conditional approval with a recommended condition that we have written responses on file, but we have a negative response. Typically we don't see this happen.

Chairman Martinez felt they needed to know exactly where Satview's lines were so they're not granting some arbitrary easement, or they could give a blanket easement across the whole thing.

Mr. Wilkinson said the safe route would be to vacate the right-of-way and create an easement over the whole right-of-way.

There was more discussion about possible easements.

****Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 7-15 subject to the following conditions:

1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded. Staff shall provide further information to Satview Broadband to ensure their understanding of the easement and right-of-way, and work to resolve their technical denial to the City's satisfaction.
2. The applicant shall record a public utility and drainage easement in place of the alley prior to the recordation of the vacation.
3. The applicant is responsible for all costs associated with the recordation of the vacation and the dedication of the easement.

Commissioner Becker's findings are the vacation is in conformance with NRS 278.479 to 278.480, inclusive, the City of Elko Master Plan Land Use and Transportation components, the City of Elko Redevelopment Plan, and the City of Elko Code Sections 3-2-10 (B) and 8-7.

Moved by Joe Becker, Seconded by Jeff Dalling.

***The motion passed unanimously.

A. PUBLIC HEARINGS

3. Review, consideration, and possible action on Zoning Ordinance Amendment No. 1-15, an amendment to Title 3, Chapter 2, Section 17 of the Elko City Code, by adding regulations for traffic counts and park and ride facilities, and adjusting the traffic visibility, access, civil improvements, parking requirements table, parking lot design, and central business district residential parking requirements, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Draper stated we made some minor changes from what the Planning Commission saw during the initiation. He then went over the changes as presented in the packets. Regarding traffic visibility, we moved the AASHTO guides for the site triangle to the parking lot design standards. Under access, we had to identify where we got the classifications: the Transportation Component of the Master Plan. We separated the residential and non-residential access to streets for both collector and local streets. In the table of off-street parking we changed unspecified uses/leasable spaces to leasable spaces and added "All other uses not specifically listed" which shall be in accordance with the most recent parking generation rates by ITE. Under parking lot design standards, we changed parking which is adjacent to a building face from providing an access lane 26 feet in width to be in conformance with the currently adopted fire code which is Title 6 of City Code. We had a definition for park and ride facilities in the new subsection H., but that is now going to show up under definitions. We will discuss that on a different agenda item. There were other minor changes/clarifications to Park and Ride Facilities. Under exceptions we struck "and all other conditionally permitted uses" having to provide off-street parking if located within 400 feet of the Central Business District public parking corridor because technically bars would have to provide off-street parking. That is not feasible for several properties downtown. Residential uses are still restricted and cannot use the Central Business District at this time.

Chairman Martinez wondered if staff was concerned about future developments needing variances for the access portion.

Mr. Draper explained they provided for modifications in the change. We have a lot of larger parcels which are ready to be split into smaller parcels along some major roadways, so we want to get those correct.

Chairman Martinez wanted to make sure that allows staff to make that determination. (yes)

Mr. Thibault wondered if that was clearly written or if it needed to say City staff.

Mr. Stanton explained we purposely left it broad so the City could decide if they wanted staff or the Commission to do it.

Mr. Carson wondered if it would be appropriate to address fire protection water supply in the park and ride facility section, or if it was sufficient to reference it in Title 6. They don't currently have language developed since it is a new situation, but he wanted to get everyone's thoughts.

Mr. Draper said they have to meet Title 6 anyways, so you can address it there.

Mr. Wilkinson wanted clarification for the trash receptacle/dumpster areas. The way it's worded the developer can make the determination if they want small movable trash cans or large dumpsters. If we have an expectation that they need dumpsters, we need to be clear on that. We do want to make some additional changes at some future date, but right now we don't have the necessary information to consider residential parking in that corridor area.

Chairman Martinez wondered what the thought was behind the reduction of the high school parking spaces.

Mr. Thibault pointed out it's an increase.

Chairman Martinez wondered if the school district had any concerns about that.

Mr. Draper said no because it will not affect the current school. If they build a new high school they will feel the impact, but in an email to me they feel like they meet or exceed these with all the other schools they've built.

Mr. Wilkinson said we will have to determine if we need to do a business impact statement, and if required the high school will get a proper notification through that process.

Commissioner Freistroffer wanted to clarify what Mr. Wilkinson meant for the trash receptacle/dumpster area.

Mr. Draper thought they could say, "There must be no less than one (1) trash receptacle for every acre of a Park and Ride Facility. The trash receptacle areas shall be evenly placed through the Park and Ride Facility. In addition to the foregoing, trash receptacles shall be located at each bus loading zone and at least one (1) enclosed dumpster must be placed in a location that can be accessed from a paved surface." The idea is one dumpster, but multiple trash receptacles.

Commissioner Freistroffer verified that he was proposing to strike the two "/dumpsters".

Commissioner Dalling wondered what the typical acreage of park and ride facilities we are expecting.

Mr. Draper said 10 acres.

Commissioner Dalling said so there would be 10 trash receptacles. (yes)

Mr. Wilkinson said and one dumpster.

Mr. Draper pointed out they previously talked about reducing the amount of asphaltic surfacing required at each entrance from 100 feet to 40 feet.

Mr. Wilkinson was okay with that. It would provide two car lengths.

Chairman Martinez wondered how the minimum of three acres for size was determined.

Mr. Draper explained they looked at the uses around town. It's kind of arbitrary. The parking lot on W. Main is only 2.2 acres, so it would be a legal non-conforming use.

****Motion:** Forward a recommendation to City Council to adopt an ordinance which approves Zoning Ordinance Amendment No. 1-15 with the following minor changes: on Page 15, H. 5, strike "/dumpsters" from the second and third sentences, and then on Page 16, H. 7. d. change the distance from 100 feet to 40 feet.

Commissioner Freistroffer's findings are the zoning ordinance amendment is in compliance with N.R.S. and City of Elko codes regarding revising ordinances to this point.

Moved by David Freistroffer, Seconded by Jose Negrete.

*****The motion passed unanimously.**

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

2. Review, consideration, and possible recommendation to City Council for Vacation No. 8-15, filed by the City of Elko, for the vacation of a portion of STP Road right-of-way abutting APN 001-670-003, consisting of an area approximately 1,075 feet in width by 60 feet in depth, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located approximately 50 feet west of Hot Springs Road.

Mr. Draper explained STP Road leads to our treatment plant. It's more of a driveway use, so we decided it's best to vacate the right-of-way. However, if we keep 50 feet of STP Road it preserves our addresses so our permits don't have to be modified. No other development will take place beyond this parcel because of the natural terrain. He then went over his memo. He recommended conditional approval.

Mr. Thibault recommended approval. Mr. Carson had no concerns.

Mr. Wilkinson recommended conditional approval as presented by Mr. Draper.

****Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 8-15 subject to conditions listed in the Development Department memo dated December 16, 2015, listed as follows:

1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.

2. The applicant shall record a public utility and drainage easement a minimum of 10' in width on top of the existing water line, or the water line should be relocated prior to the recordation of the vacation.
3. The applicant is responsible for all costs associated with the recordation of the vacation and the dedication of the easement.
4. An easement over all non-city utilities be recorded prior to the vacation.

Commissioner Negrete's findings are the vacation is in conformance with NRS 278.479 to 278.480, inclusive, the City of Elko Master Plan Land Use and Transportation components, the City of Elko Redevelopment Plan, and the City of Elko Code Sections 3-2-12 (B) and 8-7.

Moved by Jose Negrete, Seconded by Jeff Dalling.

*****The motion passed unanimously.**

3. Review, consideration, and possible recommendation to City Council for Vacation No. 9-15, filed by the City of Elko, for the vacation an open space and public purposes easement located within APN 001-610-104, consisting of an area approximately 100 feet in width by 847 feet in depth, average, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally west of Barrington Avenue and Midland Drive.

Mr. Draper stated we've been talking to a property owner off of Barrington about some issues with his property, and Mr. Thibault developed a right-of-way which follows the Master Plan to get access from Mittry Avenue and Spruce Road to what would eventually be the Jennings loop. The right-of-way for Barrington, Midland, and Spruce have been recorded. We received a response from NV Energy who requests an easement, but we will have to verify where that is because we are not vacating the utility easements. He recommended conditional approval.

Mr. Thibault and Mr. Wilkinson recommended approval.

Commissioner Freistroffer wanted to clarify that they don't have to take into consideration NV Energy's response.

Mr. Draper didn't think so because we're not vacating any utility easements. Both he and Mr. Wilkinson wanted to work with NV Energy.

****Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 9-15 subject to the following conditions:

1. Conditions in the Development Department memo dated December 2, 2015, listed as follows:
 - 1) The applicant is responsible for all costs associated with the recordation of the vacation.
 - 2) A deed of dedication for the Spruce Road, Barrington Ave., and Midland Dr. right of ways is recorded prior to the recordation of this vacation.

2. Staff will verify that NV Energy's infrastructure is located within a utility easement.

Commissioner Negrete's findings are the vacation is in conformance with the City of Elko Master Plan Land Use and Transportation components, the City of Elko Redevelopment Plan, and the City of Elko Code Sections 3-2-13 and 8-7.

Moved by Jose Negrete, Seconded by Joe Becker.

*****The motion passed unanimously.**

5. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions and 3-2-12 A. Light Industrial District, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Draper explained with the code changes to 3-2-17 we needed to define park and ride facilities, so we're adding that definition to 3-2-2. Additionally, we're adding park and ride facilities as a principal permitted use under 3-2-12 A.

Mr. Thibault, Mr. Carson, and Mr. Wilkinson recommended approval.

Mr. Draper pointed out we do not need to modify the GI (General Industrial) code because all LI principal uses are allowed as a principal use in the GI zone.

*****Motion:** Initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions and 3-2-12 A. Light Industrial District, and direct staff to bring the item back as a public hearing. **Moved by David Freistroffer, Seconded by Jose Negrete. The motion passed unanimously.**

4. Election of Officers. **FOR POSSIBLE ACTION**

Pursuant to Section 3-4-3 A. of the City Code, the Planning Commission shall elect a Chairperson, Vice-Chairperson and Secretary in January every year.

Commissioner Negrete nominated Aaron Martinez as Chairperson; a vote was taken and passed unanimously.

Commissioner Negrete nominated David Freistroffer as Vice-Chairperson; a vote was taken and passed unanimously.

Commissioner Becker nominated Jose Negrete as Secretary; a vote was taken and passed unanimously.

II. REPORTS

- A. Summary of City Council Actions.

Mr. Draper reported City Council approved the zone change on College and Ruby Vista to CT.

B. Summary of Redevelopment Agency Actions.

Mr. Wilkinson reported RDA took some specific action on the corridor design which was forwarded to the consultant in order to rework the design and estimate the costs. RAC worked through Mr. Stanton's revisions to the Urban Design Overlay which will be forwarded to RDA. We'll take the final selection process for the Storefront Improvement Program to RDA and City Council January 26th. Then advertise for applications for about a month and roll that out this spring and into summer.

C. Professional articles, publications, etc.

1. Zoning Bulletin
2. Zoning Practice

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.

Chairman Martinez asked staff to look at the Maverik on Idaho Street. He thought there was a specific loading area that was to be utilized, and it's become unsafe. He wondered when they expect a Planner to be on board.

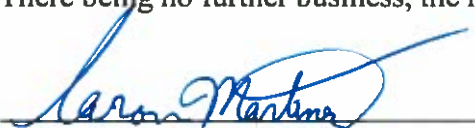
Mr. Wilkinson said they have two interviews scheduled for the 13th, but he can't predict the time frame because even if we make an offer that person has to decide if that's a good move for them.

FINAL PUBLIC COMMENT PERIOD

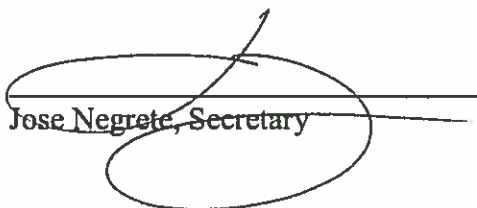
There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Aaron Martinez, Chairman



Jose Negrete, Secretary