

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.S.T., TUESDAY, FEBRUARY 3, 2015
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 Greg Thornton, Chairman of the City of Elko Planning Commission.

ROLL CALL

Present: Greg Thornton, Aaron Martinez, David Freistroffer, Tera Hooiman

Excused: Jose Negrete, John Anderson, Joe Becker

City Staff Present: Scott Wilkinson, Assistant City Manager; Rick Magness, City Planner; Jeremy Draper, Development Manager; 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

October 7, 2014 – Regular meeting **FOR POSSIBLE ACTION**

*****Motion:** Approve the October 7, 2014 regular meeting minutes. **Moved by** David Freistroffer, **Seconded by** Tera Hooiman. **The motion passed unanimously.**

October 23, 2014 – Special meeting **FOR POSSIBLE ACTION**

*****Motion:** Table to March 3, 2015. **Moved by** David Freistroffer, **Seconded by** Tera Hooiman. **The motion passed unanimously.**

I. NEW BUSINESS

B. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

1. Review and consideration of Parking Waiver No. 1-15, filed by Maverik, Inc., to waive six required off-street parking spaces in connection with operating a gas station within a C (General Commercial) Zoning District. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of Idaho Street and 11th Street (1111 Idaho Street).

Commissioner Freistroffer disclosed he lives within 20 feet of the project. He preferred to sit out and comment as part of the public because his participation could be grounds for appeal. However, if he abstained there wouldn't be a quorum to conduct this or the following item.

Mr. Magness explained as long as Commissioner Freistroffer disclosed his address and doesn't have a financial gain he can still give his perspective as a Commissioner as long as he gives it a fair review. Any application can be appealed, and this item has full staff support. He encouraged Commissioner Freistroffer to participate.

Mr. Wilkinson thought it boiled down to whether Commissioner Freistroffer can be objective and unbiased as he hears all the testimony.

Chairman Thornton has had several conditional use permits and temporary waivers in his immediate neighborhood, but didn't sit out because he felt he could make an impartial decision.

Commissioner Freistroffer felt he was impartial and could continue.

Todd Meyers explained this store is an older style that they were building back in the 80's. It met their needs and their customer's needs back then, but doesn't anymore. The property is three parcels, and they have already submitted a parcel map application. With the current configuration, when parking at the pumps headlights are either pointing towards the hotel or the commercial building (across 11th Street). The new layout will be similar. A new site is about 1.3 acres, and this property is just under 0.5 acre. More often than not they have to look for a new site along the interstate. However, they like being part of the downtown, so they would like to figure out how to stay there. They started meeting with staff back in August, and have been able to find some elements that will enhance both Maverik and the downtown. The fuel tanks will stay in their existing location, but there will be one additional tank, they will all be larger, and they will all be new. New tanks are double-lined, and there are between 21 and 24 sensors; a big upgrade. The current facility has three dispensers the new one will have six. There will be headlights shining towards the residential when entering the facility from Idaho Street, so if wanted, they will replace the neighbors' fences along the alley with slatted or vinyl fencing to help protect against the headlights. The store itself is a brand new design being 4,200 sq. ft. with lots of storage inside. There is a 10 foot wide housekeeping pad behind the building surrounded by an eight foot vinyl fence to store things like the ladders, grills, etc. Pretty much the full width along 11th Street is a large curb cut, so people getting gas can pull straight out without going towards the alley reducing headlights shining that direction. They will repave the full width of the alley. At the intersection of 11th Street, three out of four (corners) have enhanced crosswalks which create on-street parking. They will build the fourth one so it ties in to the rest of downtown, and then there's a little different design at 12th Street because of the traffic

circulation. Landscaping will be pulled across the frontage of the Maverik property. There is also a 30 inch high knee wall. Last week they went to City Council for approval of an encroachment permit into the right-of-way. They will add a green bench like the ones seen downtown. There are also going to be tables and chairs by the door. The Idaho Street side door would normally be a metal fire door, but they are making it a pedestrian friendly door. One lane of traffic will be shut down and turned into parking along Idaho Street to make it reflect and tie it into the downtown area. That transition will happen at the light at 12th Street. The parking stalls create a buffer area between the pedestrian area and the travelling lanes. A lot of communities have a dark-sky requirement for lighting, and since Maverik builds in 10 states they have tried to develop standards so they can go into a community without having to redesign each store. Lights on the gas canopy will be downward facing and recessed. The lights under the store awning are also recessed. Lights along the face of the store are gooseneck pointing back at the store. In between the crown molding and the wall there is also a florescent light which shines straight down, but they are willing to remove that from the alley side and hotel side. They may require two pole lights being box lights which shine straight down for lighting up the rest of the exterior, and can keep the lights 16 foot tall; the same height as the gas canopy. The air handling units will be on top of the roof hidden behind a parapet wall.

Commissioner Martinez commended them on the site. The pros and cons as far as impact on residents versus benefits to the city weigh themselves out. His only issue was the rear of the structure because we're trying to improve the blight in our community. It's never good when the back of a building is to the public's eye view. If there is any wiggle room to translate the concept to the rear of the structure that would go leaps and bounds in terms of structural appeal.

Mr. Meyers explained they are enclosing the walk-in cooler with a vinyl fence right there, and there will be a column spruce in front of that. He thought they could extend the crown molding and was looking to the Commission on whether or not to do the lights.

Commissioner Martinez wanted to see more. Not having anything on the back side diminishes the property value of the individual next door. That is an injustice. Anything you can do on a cost-savings measure that protrudes out a little bit to show some architectural value is good.

Mr. Meyers thought they could also do some columns like on the corners going across there.

Commissioner Hooiman wondered how many customers they get on an average day.

Maverik employees in attendance thought it was around 700 transactions.

Mr. Meyers explained when you calculate out parking the building itself requires 10 parking stalls which are in front of the store. They are requesting a waiver because Elko Code requires one additional parking stall per two dispensers. The reality is when you're there to get gas that's where you park. If you decide to use the store you either continue to park there, or become a store customer and park in the store's parking stalls.

Roberta Ardans, 1133 Court Street, stated if the number of pumps were reduced then the parking wouldn't have to be waived.

All staff members recommended approval.

Chairman Thornton was okay with the application, but staff's findings say it doesn't compromise the intent of Section 3-2-17 when it does. That section says it is the property owner's responsibility to relieve the public streets of on-street parking. Throughout the application and even Mr. Meyers himself mentioned that they would be using on-street parking. He was also concerned about traffic visibility. The site plans show parking stalls on-street within 30 feet of the corner. Since Idaho Street is classified as a major arterial that can't happen.

Mr. Draper explained we also follow MUTCD for parking, striping, etc. That states there can't be parking within 30 feet of a crosswalk, so we have to provide red curbing at that intersection.

Mr. Magness pointed out that within the application that's not designated as parking. What Mr. Meyers brought up was the design all along Idaho Street. He was just trying to mirror what occurs and what was accepted in Idaho Street's design.

Mr. Draper noted we haven't made our plan check comments yet, but one of the comments will be the red curb.

Commissioner Martinez wondered if there will actually be landscaping in the pedestrian ramp.

Mr. Draper said yes and explained the other corners have low growth landscaping because we don't want any obstructions between 2 ½ feet and 8 feet, but we should have a tree on the Dairy Queen side and the opposite corner. The thought was the right-hand turning movement doesn't need to see what's coming at them from the further lane. They proposed landscaping at 12th, but that may not be appropriate since it is a signalized intersection. We may just do a bulb-out there.

Commissioner Freistroffer wondered if Idaho Street will be used as a loading zone because the floor plan shows vendor receiving on that side.

Mr. Meyers explained this is a standard prototype building. If other businesses along Idaho Street use that for loading they would like to be able to do the same thing.

Mr. Draper explained there's an 18 inch elevation difference between the alley and the finished floor which is why you don't see doors on the alley side.

Commissioner Freistroffer was just trying to anticipate traffic flow. He wasn't sure which solution would be the correct one for parking: people and/or vendors using the alley, Idaho Street, or the store parking.

Mr. Meyers was sure there were alley regulations that the police would continue to manage.

Commissioner Freistroffer wondered if there had been any discussion about loading striping.

Mr. Draper didn't think there was anything designating a loading or unloading spot.

Commissioner Freistroffer explained people also use the alley to avoid the Idaho and 12th Street intersection, so it's a busy alley. It's important to come up with a way to avoid having parking in the alley.

Mr. Meyers explained the existing alley is 16 feet wide which isn't large enough to park and also have traffic move through it, but the alley is dedicated at 20 feet wide. They are paving the full amount, so you could get past if needed.

Chairman Thornton's concern was addressed with the red curbing. We know there is going to be some on-street parking especially if Idaho Street is down to one lane right there, but he wanted to make sure they're not allowing it and approving it. He also wanted to make sure Maverik is not assuming those are their parking spots.

****Motion:** Conditionally approve Parking Waiver No. 1-15 subject to the conditions that the applicant will provide parking per Parking Waiver application No. 1-15, and fueling positions will be utilized as parking stalls.

Commissioner Freistroffer's findings are the parking waiver is in accordance with the City of Elko Master Plan Land Use and Transportation components, the City of Elko Redevelopment Plan, and the City of Elko Zoning Sections 3-2-3, 3-2-10 (B), 3-2-17, and 3-2-19.

Moved by David Freistroffer, Seconded by Tera Hooiman

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

I. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review and consideration of Conditional Use Permit No. 1-15, filed by Maverik, Inc., to construct new structures which will replace the existing structures within 150 feet of a residential zoning district within a C (General Commercial) Zoning District that is located within the Central Business District. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of Idaho Street and 11th Street (1111 Idaho Street).

Ms. Ardans had a few concerns. One was lighting which Mr. Meyers already addressed. In certain places in her yard she can still see stars. She wondered if the canopy could be lowered because even with downward lighting there is still diffused lighting. Also, it would be good if "resident parking only" signs were posted between the alley and Court Street on both sides of 11th Street. Blank walls are a target for graffiti, so it would be a good idea to consider a couple of murals on the back of the building in addition to some architectural features. She would like to see a couple charging stations in place of pumps so hybrids can be charged. She wanted the City to consider a noise ordinance with teeth if there isn't one already, so Maverik could put signs up

saying music must be turned off while fueling or going inside. She wondered if employees could knock on windows if people didn't turn down their music, but was informed that is a policing issue. She would like to see lots of trash cans that are emptied regularly, more tables and chairs, and recycling. It appears the building could be flipped so the back of it is adjacent to the alley which would help block light and sound for the residences. She thought it would solve the problem of vendors as well as fit additional parking. However, if the building stays where proposed she wanted to see the dumpster moved to the front where the landscaped corner is. If the back two pumps are not cut out then the alley will become a real zoo because it will become part of the street. Putting up fences would require a lot of the greenery to come out which is also a sound and light buffer.

Diann Holford, Store Director, 1135 Stitzel Road, explained there are 14 employees there. That place is extremely busy, so a bigger store would be great.

Cory VanComen, store management, 610 S. 12th Street, commented that they make sure their trash cans are changed when needed, sometimes more than every shift. The new store will bring a bigger bakery and better food service since the current one is cramped. They try to make sure the store is clean and a safe environment for the kids and everybody else that comes in.

Mia Krenka, property owner, 1104 and 1134 Court Street, loved the idea of a new Maverik. Her biggest issue was the dumpster noise. She liked the idea of the store being switched so the back is against the alley like it is now. She wasn't a fan of having a lot of picnic tables because the homeless are the first people to take up the tables at that Maverik.

Brianna Luna, 1150 Gold Drive, highlighted how the current bakery can be a safety issue for bigger employees especially when it comes to pulling out hot stuff or putting things back. Regarding the homeless, they do ask the homeless to leave or call the police.

Tanya Beyerly, 567 Morse Lane, works from 6 a.m. to 2 p.m. They get so many kids within 30 minutes that the new big space will be awesome. She understands the residents' issues, but there is a lot of public looking forward to the new store. They get just as many customers during the morning rush for the miners as they do during the school lunch rush.

Todd Ratliff, 1104 Court Street, was all for a new store, but wondered if the underground tanks were staying in the same location because when they're being filled the semis block his driveway. Coremark also blocks his driveway. He is also for Maverik building a fence for the residences. His brother is a police officer, so he knows Maverik calls the police regarding the homeless. He didn't see any difference between the locations as far as access to 11th Street.

Mr. Magness recommended conditional approval. Trash pickup is very customary in alleys, so that's why the design of the dumpster and enclosure is there. The Police Department also recommended conditional approval.

Mr. Draper explained we expressly omitted commercial properties from recycling because a lot of them don't have space to provide for the separation of recycled materials from everyday waste. We've worked with Maverik extensively on different configurations of the site, and this

was the best use of the site. We want more traffic accessing this site from 11th Street rather than Idaho Street which is a major arterial. Tesla installed rapid charging stations up by Denny's. He liked the suggestion of a mural on the alley side of the building because a nice mural is less likely to be tagged. He wouldn't make that a condition, but it is a consideration for Maverik. He recommended conditional approval.

Mr. Wilkinson noted the City Manager's Office and Public Works support approval. He then explained conditions should be considered that address and mitigate conflicts with neighboring properties. The orientation of the building allows for future expansion to the east. We want to discourage traffic from coming out onto Idaho Street and crossing those travel lanes to head towards 12th Street.

Since the applicant was going to give additional consideration to the rear of the structure Commissioner Martinez wanted to add that a Planning Commission representative be present during the building permit acceptance.

Commissioner Freistroffer wondered how effective the roof screening is for sound.

Mr. Meyers explained the parapet wall is the same height as the mechanical units, so that helps shoot it in more of an upward direction.

Commissioner Freistroffer commented this design is a tremendous improvement and a redevelopment opportunity to bring more people downtown. If there was more of the store backing on the alley then there would be more problems keeping the alley clean, patrolled, and open. With the benches out towards Idaho Street that may cut down on some of the congregation of the homeless people. He knew he was moving in behind a commercial property that sold gasoline and alcohol, and Maverik has been a wonderful neighbor. Something to consider is security cameras pointed toward the side of the building facing the alley.

Chairman Thornton wondered if the current store would be closed during construction.

Mr. Meyers explained they will be able to get the new store about 90 percent complete, but then will have to do the site work such as replacing the tanks and dispensers. He anticipated closure for about 35 days. He didn't have an issue with placing signage on 11th Street saying resident parking only, however he felt they solved that problem with the location of the store because people want to walk the shortest route. Security is a big issue with Maverik, and the Elko Police Department is very up to date with the quality of their cameras. The video goes inside for the employees to see what's taking place as well as shooting back to N. Salt Lake. They are happy to put some lights in the alley, but if the City prefers they can do infrared cameras. The fact that they're open 24 hours a day keeps the facility safer. He was willing to talk to the Create Department to see if they want to do the monster truck or some other mural, but the visibility is going to be quite limited because of the hotel. They can do some of the same type of garbage cans as downtown. In regards to flipping the building, the lot depth is 100 feet but the site requires 109 feet. The loading zone is a valid comment. They could designate the alley side as where they would park. If it was tight they could cone-off the two dispensers.

Commissioner Freistroffer said possibly the tank filling too, so you don't have to block the 11th Street access.

Mr. Meyers explained the reason it's 35 feet on the access is the tanker can go in from heading northbound on Idaho Street, loop around, and out on 11th Street. They don't use a standard turning template from the industry because they spent several days with GPS sensors on all their trucks doing turning motions.

****Motion:** Conditionally approve Conditional Use Permit No. 1-15 subject to the following conditions:

1. Conditions in the City of Elko Staff Report dated February 3, 2015 with a modification to Planning Department's conditions one and two, listed as follows:

Development Department:

1. The conditional use permit is granted to the property owner allowing for the development of a gas station and convenience store.
2. The permit shall be personal to the property owner 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 properties shall be merged into a single parcel.

Police Department:

1. Insure adequate exterior lighting for overall crime prevention.
2. Consider options to increase employee's ability to survey exterior seating areas, i.e., windows, security cameras, lighting, signage, etc.

Planning Department:

1. Applicant proposes 10 on-sight parking spaces and 6 additional un-official parking spaces at the fueling positions. An accompanying Parking Waiver application for six (6) parking stalls for the fueling positions will need to be approved.
2. Applicant building elevations to comply with the Elko Vision Plan regarding materials, design, etc. Elevations to be approved at time of Building Permit Application by Planning Department, RDA, and Planning Commission representatives.
3. Applicant will be responsible to maintain cleanliness at all times in the alley adjacent to the provided parking and trash enclosure.
4. Signage will require a separate application with the Building Department and be subject to the Design Guidelines outlined in the Elko Vision Plan.
5. All utilities, equipment will be properly screened.
6. Alley will be repaved for the length of the block by the applicant.
7. Applicant will work with residents adjacent to the alley to provide adequate fence screening.

8. Compliance with all staff conditions.

Commissioner Martinez's findings are the conditional use permit is in accordance with the City of Elko Master Plan Land Use and Transportation components, the City of Elko Redevelopment Plan, the City of Elko Wellhead Protection Plan, and the City of Elko Code Sections 3-2-3, 3-2-4, 3-2-10(B), 3-2-17, and 3-2-18.

Moved by Aaron Martinez, Seconded by David Freistroffer

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

2. Review and reconsideration of the conditions placed upon Conditional Use Permit No. 13-13, filed by Carter Engineering LLC on behalf of Riverside Villas LLC, to allow for a multiple family residential development consisting of 156 units within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the easterly side of 12th Street near its intersection with Opal Drive (1525 Opal Drive).

This item was withdrawn by the applicant prior to the meeting.

3. Review and consideration of Rezone No. 1-15, filed by N.A. Degerstrom, to consider a change in zoning from County Open Space to LI (Light Industrial) upon annexation of property to the City, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located approximately 2,700 feet northeast of the intersection of East Idaho Street and Manzanita Lane. (APN 006-32H-022).

All staff members recommended approval. The zone will be consistent with the use to the northeast.

****Motion:** Forward a recommendation to City Council to adopt a resolution which approves Rezone No. 1-15 subject to the condition that the property be zoned Light Industrial upon annexation.

Commissioner Hooiman's findings are the rezone is in accordance with the City of Elko Master Plan Land Use and Transportation components, the City of Elko Redevelopment Plan, the City of Elko Wellhead Protection Plan, and the City of Elko Zoning Sections 3-2-4, 3-2-12 (A), 3-2-21, and 3-8.

Moved by Tera Hooiman, Seconded by David Freistroffer

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

B. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

2. Review and consideration of Annexation No. 3-14, filed by N.A. Degerstrom, involving approximately 11.985 acres of property to include a portion of the I-80 right-of-way. **FOR POSSIBLE ACTION**

The subject property is located approximately 2,700 feet northeast of the intersection of East Idaho Street and Manzanita Lane. (APN 006-32H-022).

Mr. Magness recommended approval.

Mr. Draper explained a few years ago we annexed half the parcel, but wasn't sure why. It has two APNs, but still exists as a single legal parcel. In 2012 Mr. Wilkinson presented the annexation potential report, but this area was not included because that report was focused on the larger transportation corridors. However, we feel like this is an orderly growth of the City, and recommend it be annexed into the City.

Mr. Carson and Mr. Wilkinson supported annexation.

Chairman Thornton wondered if the annexation would fix the APN issue.

Mr. Draper explained it would. They had two APNs so they could assess taxes on it differently.

****Motion:** Forward a recommendation to City Council to approve Annexation No. 3-14 as presented.

Commissioner Hooiman's findings are from Jeremy Draper, Community Development Manager's memo dated January 23, 2015, listed as follows: The annexation is consistent with the City's Land Use Component of the Master Plan. Appropriate zoning of the property is required as the property develops to ensure conformance with the land use designation shown in the Master Plan. The annexation is consistent with the City's Transportation Component of the Master Plan. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, does not identify the area as having potential for annexation, however that report focused on areas along major transportation corridors. Based on the finding of this report the annexation of this property is considered logical and orderly. The area proposed for annexation is not localized, isolated. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Additional utility and roadway infrastructure will be installed at developer expense to facilitate development of the property.

Moved by Tera Hooiman, **Seconded by** David Freistroffer

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

3. Review and consideration of the 2014 Annual Report of Planning Commission activities. **FOR POSSIBLE ACTION**

Mr. Magness gave a highlight of the report. We've placed a number of band-aids on code so with the new Assistant City Manager and Development Manager there may be time to start looking at it holistically.

Chairman Thornton would like to see something in writing regarding training. The Commission is very interested and attends these extra meetings when they are totally voluntary.

*****Motion:** Approve the 2014 Annual Report of Planning Commission activities as presented and forward it to City Council for acceptance. **Moved by** David Freistroffer, **Seconded by** Aaron Martinez. **The motion passed unanimously.**

II. REPORTS

A. Summary of City Council Actions.

Mr. Wilkinson reported City Council passed first reading of the Payne annexation by NYTC.

B. Summary of Redevelopment Agency Actions.

Mr. Magness reported there will be an open house tomorrow night at 6:30 p.m. at Western Folklife Center where we talk about the downtown corridor. Our consultants Logan Simpson Design will be there.

C. Professional articles, publications, etc.

1. Zoning Bulletin
2. Zoning Practice

D. Preliminary agendas for Planning Commission meetings.

Mr. Magness wanted to schedule a special meeting for Riverside Villas. Because of our antiquated codes and the one condition that could not be met they need to submit an entirely new C.U.P. He wondered if a Tuesday at 6:30 p.m. would work for everyone. (yes)

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.

Mr. Draper reminded the Commission that when we take breaks in the middle of a meeting the microphones are still on, and to be careful of what they're saying.

FINAL PUBLIC COMMENT PERIOD

There were no public comments made at this time.

NOTE: The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another specified date and time. Additionally, the Planning Commission reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Greg Thornton, Chairman

Jose Negrete, Secretary