

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.S.T., TUESDAY, MARCH 3, 2015
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The meeting was called to order by David Freistroffer, Vice-Chairman of the Elko City Planning Commission.

ROLL CALL

Present: Jose Negrete, John Anderson, Aaron Martinez, Joe Becker,
David Freistroffer, Tera Hooiman (arrived at 7:00 pm.)

Excused: Greg Thornton

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

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

November 4, 2014 – Regular meeting **FOR POSSIBLE ACTION**

December 2, 2014 – Regular meeting **FOR POSSIBLE ACTION**

*****Motion:** Approve the minutes from October 23, 2014, November 4, 2014, and December 2, 2014. **Moved by** Jose Negrete, **Seconded by** Aaron Martinez. **The motion passed unanimously.**

I. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review and consideration of Conditional Use Permit No. 3-15, filed by NV Energy, to develop a public utility facility within an IBP (Industrial Business Park) Zoning District. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Ruby Vista Drive approximately 140 feet east of El Dorado Drive (APN 001-860-112).

Mark Sullivan, NV Energy Land Use Advisor, stated they will do street improvements on Statice Street for the length of the lot, so they will have access in both front and back. The area on the southwestern side is a landscaped earthen berm, so the facilities will be well screened. He then went over the site plan. In regards to the condition that talks about transfer of the ownership and rights to build the project he wanted to be clear that they have an offer on the property contingent upon approval. He wanted to make sure the rights transfer to them without having to come back and get approval after tonight. He pointed out a typo in the staff report for condition one.

Mr. Magness confirmed the typo, and clarified the correct condition was in the Development memo.

Shawn Mooney, 4335 El Dorado Drive, Canyon Crossings Housing Association President, wanted to express concerns about the visual impact, noise, traffic, environmental impact, and home resale values.

Ralph Negrown, NV Energy Facility Manager, explained the only thing they may see is the roofline of the truck barn because the berm is 15 to 18 feet tall with the trees, plus the buildings are pushed back. Our goal is to maintain that berm, and not have clutter or trash. Potential traffic is quarterly deliveries of poles, and the facility trucks are line trucks. Overall there won't be a huge amount of traffic going through there. The bays are pull through, and there shouldn't be too much idling. The company doesn't allow idling for more than 15 minutes. Our normal work hours are 6 a.m. to 3:30 p.m. We do have 24 hour service if there is an emergency, but we try to keep that to a minimum where they fire up their trucks and are in and out. Regarding environmental issues, this facility will have transformers, wire wheels, poles, etc. Transformers get put into a containment pad. If there's ever a spill in the containment pad another company comes in to pump everything out. If there are oil leaks they remediate immediately. They will bring the current containment pad from the existing site and order a second one.

Mr. Sullivan added one of the best tools you can use for noise abatement or attenuation is an earthen berm. Plus, we're not going to go over the City noise standards. We're always going to remain in compliance with environmental impact. We have excellent relationships with Nevada Department of Environmental Protection. He guessed they self-report more than any other company in Nevada. These are all valid issues, but we are limited in the places we can have an operation like this. Typically the reason you have a special use permit process is so you can condition the uses. He's not an appraiser, but typically you won't see a difference in your property values because you are already next to that type of property (IBP). The berm is kind of a no-mans-land as far as who's supposed to maintain it, but they are accepting responsibility to do that with this use permit.

Commissioner Becker wondered if the trucks would enter the truck barn from the northeast edge or southwest because backup alarms can be shrill.

Jay Tubbs, NV Energy Project Manager, explained the southeast end of that building is the truck barn and the northwest end is a warehouse. The line trucks are more likely to enter from the northeast and exit on the southwest. Like Mr. Negrown said it is pass-through.

Commissioner Becker liked the pull through design.

Mr. Negrown added one of our biggest concerns was backing accidents that we currently have. We wanted to try to limit that.

Commissioner Becker wondered if the berm was inside their property line. (yes) So Cashman install that on another person's property?

Mr. Draper explained it was all one parcel at the time of development, and then Cashman parceled that portion off.

Mr. Magness, Mr. Draper, Mr. Thibault, and Mr. Carson all recommended conditional approval.

Commissioner Hooiman arrived at the meeting.

Mr. Wilkinson felt they should take action to state that Conditional Use Permit No. 5-07 applies to the CAT warehouse parcel, and this conditional use permit applies to this parcel which would leave a third parcel that at some point in the future would have an individual conditional use permit. At the time the thinking was that would be developed as a one-owner industrial business park.

Commissioner Negrete wondered why the generator on the southwest side wouldn't be screened off.

Mr. Negrown explained that's an emergency generator and the A/C units are very small.

Vice-Chairman Freistroffer wanted clarification that those were below the berm. (yes)

Commissioner Becker wondered if they needed to clarify the language regarding the property owner.

Mr. Wilkinson said the CUP is for development of a utility office. Issuing a CUP and then it runs with the property, I think you're okay with it.

Mr. Draper said they are applying as if they were the owner, and they have the permission from the current owner to do so.

Commissioner Negrete wondered if the screening he brought up was a legitimate concern.

Mr. Magness pointed out one of the conditions says all utilities and equipment shall be properly screened, so just clarify whether it's for noise or visual. (noise)

****Motion:** Conditionally approve Conditional Use Permit No. 3-15 subject to the following conditions:

1. Conditions in the Staff Report dated March 3, 2015, striking Development Department's first condition, listed as follows:

Development Department:

- 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 property owner shall protect and maintain the existing landscape buffer adjacent to the residential development.
- 4) The property owner shall complete all missing public improvements including Statice Street frontage.
- 5) Lighting on the buildings and on the property shall be shielded so as to not directly shine into the residential property.

Planning Department:

- 1) Applicant will be responsible to maintain landscaping at all times adjacent to the residential development.
- 2) Although signage is required as part of the CUP application, a separate application with the Building Department will be required.
- 3) All utilities, equipment will be properly screened.
- 4) A Landscape Plan shall be required at time of Building Permit submittal.
- 5) Building materials, colors and specifications shall be similar to submitted building plans within this application.
- 6) Communications pole shall not exceed 40 ft. as indicated on CUP plans.

Engineering Department:

- 1) A complete civil plan set will be required at Building Permit submittal to include but not limited to grading, utilities, a detailed site plan, construction details and an SWPP Plan.
2. Conditions in the Development Department's memo dated February 23, 2015 listed as follows: (conditions 2, 3, and 5 were verbatim above)
 - 1) The conditional use permit is granted to the property owner allowing for the development of a public utility office and maintenance yard.
 - 4) The property owner shall complete all missing public improvements.
3. Conditions in the Fire Department's memo dated February 19, 2015 listed as follows:
 - 1) Operational permits may be required for regulated processes as required by the 2009 International Fire Code. Required permits shall be obtained prior to certificate of occupancy.

- 2) The proposed site and building may have processes and systems regulated and or required by the 2009 International Fire Code, Nevada Administrative Code 477, and associated standards. A plans and documents package(s) shall be submitted for Fire Department review and approval and required construction permits shall be obtained for the following;
 - Building and site improvements
 - Indoor and outdoor storage
 - Private fire protection
 - Regulated processes
 - Hazardous material inventory, use, and management.
4. Conditional Use Permit No. 5-07 for the Cashman site, APN 001-860-111, does not apply to this property. Conditional Use Permit No. 3-15 applies to the property with APN 001-860-112.

Commissioner Negrete's findings are the conditional use permit conforms 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, 3-2-11 (A), 3-2-17, and 3-2-18.

Moved by Jose Negrete, **Seconded by** Joe Becker

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

2. Review and reconsideration of Conditional Use Permit No. 6-14, filed by Jonathan Vazquez, to allow an auto repair facility within a C (General Commercial) Zoning District located within the Central Business District. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of Idaho Street and 9th Street (913 Idaho Street).

Mr. Magness explained we received enough complaints and made observations about Mr. Vazquez engaging in activities not approved by the conditional use permit to give this Commission an opportunity to re-review it. He also wasn't conforming to his business license. From the time he received notice that this would be reheard he came into the Planning Department and discussed the things he needed to do. One of the issues was he entered into an agreement with another party. After that conversation he had that person removed from the property which had a lot to do with the impact, how many cars were out, and the activities that were being done there. Mr. Magness suggested he meet with the other department heads to make sure there was compliance. Ryan Limberg, Utilities Director made a site visit and noticed he was doing what he needed to. Mr. Vazquez can explain the direction he would like to go now which will be in conformance. The Business License Department commented that the business license needs to be changed prior to beginning a lube business, and Public Works stated that all runoff shall be contained on the site from car washing.

Jonathan Vazquez explained this started out with two businesses in one which everyone knew, but it didn't work out and he couldn't kick the other guy out. The majority of the cars were the

other guy's. When he got the letter the other guy instantly moved out. Mr. Vazquez sold all his oil and shop supplies to the other guy because when people saw it was auto care they weren't coming in for oil changes they were asking more about detailing, window tinting, audio, alarm systems, etc. He has tried to make an appointment with the Fire Department to get everything signed off for window tinting and audio. He doesn't know how bad the noise for testing the audio will get, but that is his future goal. The situation did get a little carried away, but this is his first year and he's been learning. That's why when the letter came in he took action right away to get as much fixed as he could. It looked opposite of what he wanted it to, but it came to a point where he couldn't even control it. He knows he can make it look ten times better because he has a lot of people asking for the things he wants to start doing instead of oil changes. Nobody in town really handles audio equipment.

Mr. Magness advised the applicant to use the conditions as a guideline. One condition was that there wouldn't be overnight storage of more than two cars, but we see some vehicles for sale. There's a concern about that because there's licensing with the state that has to take place.

Mr. Carson commended the applicant for working diligently with the Fire Department to meet all his conditions. What's he's looking at going towards now is less restrictive, so he had Fire Department's full support.

Mr. Wilkinson recommended the Planning Commission, applicant, and staff review compliance at some point in the future: two or three months. The second comment which came directly from the City Manager was that any further non-compliance should result in revocation of the CUP.

Commissioner Negrete wanted clarification that the cars are not his, but rather the other partners.

Mr. Vazquez noted those are just friends'. I usually keep it at two and tell them two weeks and they're out. I didn't know I needed a permit for that, but if it's a concern I'll get them out tomorrow.

Vice-Chairman Freistroffer looked over the minutes from the prior meeting to try to understand their intent of allowing two cars overnight, and it was that if this was a car servicing station of some sort then those were to be the cars he was working on.

Mr. Wilkinson didn't believe the CUP allowed for car sales at all.

Mr. Vazquez stated he will get them out.

Commissioner Negrete wondered about the parking chocks that were supposed to be along Idaho Street.

Mr. Wilkinson pointed out that the parking is up against the building. The intent was if there was parking against the sidewalk they would have the wheel stops, so they wouldn't encroach into the sidewalk.

Commissioner Negrete said so if he maintains the parking along that building then he's fine.

Commissioner Martinez was confused since the other business was an automotive service business. In terms of the original conditional use permit that was the whole point. Mr. Vazquez had high ambitions of being a specialized service company that would focus on cars that weren't being serviced in the area. Why we're saying that service had to be removed?

Mr. Magness explained when you have a certified technician for exotic cars there's a lot that goes into that which is non-mechanical. The other guy was doing mobile mechanic work without a business license which was also beyond what certification for exotic cars would be. The intent was to do general simple maintenance on vehicles and that was express as best as he could when presenting the CUP originally.

Commissioner Martinez just wanted clarification that Mr. Vazquez was still allowed to operate the automotive service shop. (yes) This CUP allows this business to do oil changes, tune-ups, lubes, rotation of tires, and detailing.

Mr. Magness explained it does, but he still needs to come in and apply for that particular business license. There is not compatibility between the CUP and the existing business license yet.

Commissioner Becker felt that was an important clarification. We're not barring you from doing anything that's inside of this conditional use permit, you just need to update your business license.

Mr. Vazquez explained nobody is really coming in for oil changes. He might get three a month. People were coming in for major fixes.

Mr. Wilkinson clarified even if you are only getting three a month then you need to have that on your business license. The biggest issue was you co-located another business onto this property which you were not the owner of and that was not allowed under the CUP.

Commissioner Negrete wondered how much it would cost to add that to his business license.

Mr. Magness thought \$30-\$35.

Mr. Vazquez admitted he was scared and was trying to get away from all of that instead of bringing more problems in. If it's that easy he'll do it.

Vice-Chairman Freistroffer visited the site and saw that he does have water backflow protection. They discussed the wastewater pre-treatment and sumps, and how those would be cleaned which seems to be addressed.

Mr. Vazquez noted that was checked yesterday and it was fairly clean.

One of the things Vice-Chairman Freistroffer witnessed about a month ago was a really muddy truck being hosed off in the middle of the parking lot, not on the northeasterly side of the

building. Hunks of mud and lots of water were going out towards the street. How are you going to keep wastewater and debris from running out into the alley and street?

Mr. Vazquez explained the first thing he bought got aired up, but it kept going flat. He found something on YouTube which is very similar: if you tie noodles together, wrap a tarp around them, and then attach a water pump that will pump it right to the sump inside. Over time the noodles do go flat, so he had to throw the whole tarp away. He has a new one, but had to order the noodles online because they're out of season.

Mr. Wilkinson noted you have to manage your wastewater and if we continue to see that issue you will either have to wash the vehicles inside or develop a concrete sump area. If you can't manage the temporary fixes you will have to go to a permanent fix.

Mr. Vazquez wondered if the Commission has seen a major change. What does he need to do better and what does he still need to work on?

Vice-Chairman Freistroffer said it looks cleaner, but the car thing needs to be addressed.

Commissioner Hooiman gave a word of advice: you need to be less worried about what everyone thinks about you and do what's best for the business.

Commissioner Negrete felt they should confirm the previous conditional use permit. Part of him agreed it should come back in about three to six months, but we're not doing it for any other business. This is already Mr. Vazquez's second chance so if anything else happens it should only be to revoke it.

Mr. Magness stated we'll take the minutes and provide a letter to the applicant that gives these suggestions. It's very clear to the applicant there needs to be conformance, and we'll keep an eye on it.

Commissioner Becker was with Commissioner Negrete we don't put this on other people. If this is triggered again then it's triggered we don't need to onerously bring it before us again.

Mr. Wilkinson was fine with that. The idea was to keep Mr. Vazquez on notice that he would come back and report to the Planning Commission that he's in compliance. Maybe some direction specific to the car sales issue might be in order.

Commissioner Negrete didn't think they needed to take action regarding that. Mr. Vazquez is already aware that's not within the CUP. It's his responsibility to come and ask staff if something he would like to do is in compliance. He knows that the next letter he gets he's done.

*****NO ACTION WAS TAKEN**

II. REPORTS

A. Summary of City Council Actions.

Mr. Magness reported the annexation and rezone for N.A. Degerstrom were considered.

B. Summary of Redevelopment Agency Actions.

Mr. Magness reported there will be an open house meeting the evening of March 18th with our economic study consultants, Leland Group, and then on the 19th they will present at the Advisory Council meeting. You are invited to both meetings. This is a follow-up with the public, and testing about 10-12 things this community can get going on.

Commissioner Martinez thought they were getting close to a final draft of the economic study.

Mr. Magness explained you are, but now we're looking at the tools of how to deliver things so the direction we go is sustainable. As we finalize the economic study we now have to implement it. We had an open house last month at the Western Folklife Center to test what could be done in the downtown corridor. There were about 70 people in attendance. We are still working on an electronic survey that can be taken by following a link on elkocity.com.

Commissioner Negrete wondered when they will be back.

Mr. Magness noted the first or second week of April. They will come back with some alternatives that include the elements that were wanted. We are going to have a discussion about a redistribution of parking, and how that can be achieved with minimal impact to parking as well as providing the placemaking. By May or June we're done with these studies, have a direction, and we're moving forward.

C. Professional articles, publications, etc.

1. Zoning Bulletin
2. Zoning Practice

D. Preliminary agendas for Planning Commission meetings.

Mr. Magness is trying to set up a webinar that talks about Roberts Rules, ethics, etc. A temporary use permit is coming for the campground designated for those who don't have a home. Staff has been talking about the improvements to that site internally.

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.

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.

David Freistroffer, Vice-Chairman

Jose Negrete, Secretary