

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING AGENDA**  
**6:30 P.M., P.D.S.T., TUESDAY, MAY 5, 2015**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

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

**ROLL CALL**

Present: Greg Thornton, Jose Negrete, John Anderson, Joe Becker,  
David Freistroffer, Tera Hooiman

Absent: Aaron Martinez

City Staff Present: Scott Wilkinson, Assistant City Manager; Rick Magness, City Planner;  
Jeremy Draper, Development Manager; Matt Griego, Fire Chief;  
Bob Thibault, Civil Engineer; Diann Byington, Recording Secretary

**PLEDGE OF ALLEGIANCE**

Chairman Thornton announced agenda items I.A.2. Rezone No. 4-15 and I.B.4. Annexation No. 1-15 are being held until the June 2, 2015 Planning Commission meeting.

**INITIAL PUBLIC COMMENT PERIOD**

There were no public comments made at this time.

**APPROVAL OF MINUTES**

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

**\*\*\*Motion:** Accept the minutes from January 6, 2015 as presented. **Moved by** Jose Negrete, **Seconded by** David Freistroffer. **The Motion passed unanimously.**

**I. NEW BUSINESS**

**A. PUBLIC HEARINGS**

1. Review and consideration of Rezone No. 3-15, filed by Robert Fitzgerald, for a change in zoning from AG (General Agriculture) to IC (Industrial Commercial), to

allow for future commercial and small scale industrial uses, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally northwest of the intersection of I-80 and Youth Center Road. (APN 001-860-119).

Mr. Magness explained we saw the annexation for this, and where it's located it gives us a great opportunity to have connectivity of Ruby Vista Drive. We're looking forward to that, and it's something the applicant is going to provide for us. In regards to the zone change he recommended approval.

Mr. Draper, Mr. Thibault, and Mr. Wilkinson all recommended approval.

Chairman Thornton voiced his concern that we need to stick to the Master Plan because in Industrial Commercial you can have a C.U.P. for residential, but that would not be a good idea right next to a correctional center.

**\*\*Motion:** Forward a recommendation to City Council to adopt a resolution which approves Rezone No. 3-15 as presented.

Commissioner Becker's findings are the rezone is applicable to 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, 3-2-11 B., 3-2-17, and 3-8.

**Moved by Joe Becker, Seconded by Tera Hooiman.**

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

2. Review and consideration of Rezone No. 4-15, filed by Robert Fitzgerald, for a change in zoning from County General Agriculture to IC (Industrial Commercial) upon annexation of property to the City, to allow for future commercial and small scale industrial uses, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located approximately 1,650 feet southwest of the intersection of Idaho Street and Youth Center Road. (APN 006-10C-003).

**This item is being held to the June 2, 2015 Planning Commission meeting.**

3. Review and consideration of Rezone No. 5-15, filed by Gary Morfin, for a change in zoning from C (General Commercial) to RO (Residential Office), to enable the existing single family residence which is surrounded by commercial and industrial uses to be financed, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Spruce Road approximately 460 feet west of 5<sup>th</sup> Street. (295 Spruce Road).

Gary Morfin has lived there since 1997. Back in those days it was pretty easy to get financing, but it's stricter now. Interest rates are really low right now and he wants to take advantage of that. He put a carport on the east side and has since added doors. Now it's considered a shop. It's only bolted to the concrete so it can be moved, but he'd like to leave it there. He knows he'll have to apply for a variance.

Chairman Thornton asked if he reviewed the packet from the City, specifically merger of the parcels.

Mr. Morfin said he did, and didn't have a problem with the conditions.

Mr. Magness explained it's now an issue with mortgage lending that there be a designation of residential. The RO zone is for establishing a residential zone that is transitional to more intense commercial uses. He recommended conditional approval.

Mr. Draper and Mr. Thibault recommended conditional approval.

Mr. Wilkinson recommended conditional approval, but felt it was appropriate to clarify that the conditions needed to be satisfied before the Mayor signs off on the rezone.

Mr. Draper recommended the conditions be done prior to the rezone being taken to City Council.

Commissioner Becker wondered if Development Department's condition two needed to be changed because it mentions a 5 ½ foot setback, but the survey indicates a 3 foot gap.

Mr. Magness explained the applicant would need to apply for a reduction from 5 ½ feet down to 3 feet, or he could move the garage.

Mr. Morfin added he already gave the go ahead to High Desert Engineering to start that application process.

Mr. Wilkinson asked if he had reviewed the application requirements, and said he should probably look at the burden placed on the property owner to substantiate the circumstances for a variance as he makes his decision whether to relocate or apply.

Commissioner Becker asked if there were issues with the existing easement, and what that does to the easement if the parcels are merged.

Mr. Magness explained it was an access easement for the rear parcel, so once he merges those it's no longer necessary.

**\*\*Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 5-15 subject to the conditions stated in the City of Elko Staff Report dated May 5, 2015 listed below. These conditions must be met prior to this item being taken to City

Council, and the removal of the easement shall be placed on the map when the parcels are merged.

**Development Department:**

1. A merger of the two parcels 001-610-057 and 001-610-068 is filed with the City of Elko and properly recorded. (This will eliminate the need for a rear yard variance).
2. A variance application for the side yard setback for the garage is filed with the City of Elko Planning Department and recorded; or relocate the garage to provide a 5 ½ ft. side yard setback.

**Engineering Department:**

1. Merge the two parcels by a Map of Reversion and vacate the access easement for Parcel A.

Commissioner Freistroffer's finding are the rezone is in compliance with the City of Elko Master Plan Land Use and Transportation components, the City of Elko Redevelopment Plan, the City of Wellhead Protection Plan, and the City of Elko Zoning Sections 3-2-4, 3-2-5(F), and 3-8.

**Moved by David Freistroffer, Seconded by Joe Becker.**

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

4. Review and consideration of Conditional Use Permit No. 5-15, filed by Guadalupe Alvarez-Jacobo, to allow a bar within a C (General Commercial) Zoning District located within the Central Business District. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Commercial Street approximately 50 feet west of 6<sup>th</sup> Street (588 Commercial Street).

Ms. Alvarez-Jacobo has always wanted to start a business, and wants to open a bar with dancing. She would like to bring in live bands and serve alcohol, but wants it to be a fun place to attract couples rather than just a place to go drink. She will open around 8:00 p.m. to prepare, but the bar itself won't open until 9:00 p.m. It will not be open 24 hours or every day, only Thursday through Sunday.

Chairman Thornton asked what time she will close each day.

Ms. Alvarez-Jacobo answered around 3:00 a.m. or 4:00 a.m.

Peter Hanington, 570 ½ Commercial Street, lives right next to the proposed bar and is worried about noise pollution. There is already a bar next to him that plays music until 4:00 a.m. Vomit and beer bottles are a concern too.

Mr. Magness gave an overview of his memo explaining why this needed to be a conditional use permit, and then handed out a second memo with additional findings. He recommended denial, but if approved had some suggested conditions.

Mr. Draper recommended conditional approval, and then read City Code Section 3-2-18 (E) (2) regarding denying the permit if the Commission feels all conditions will not be met.

Mr. Griego noted if approved, the applicant is responsible for obtaining any and all associated permits.

Chairman Thornton had a question about the site plan suggesting an occupancy of 167 people. It looks too small for that many.

Mr. Griego answered it would depend on the seating and dance floor configuration.

Mr. Wilkinson explained the City Manager's Office reviewed the recommendations from staff and does not believe the information would support a denial. The Planning Commission should not put the City in a position of possibly defending itself against a legal challenge. City Council has not limited the number of bars in the downtown area, and code does not prohibit bars. They were also unaware of code requiring commercial or full-service kitchens in bars. A recent approval of a bar did not require a full-service kitchen, just the plumbing for that. Would we require these types of conditions if the applicant proposed a wine bar? Additionally, the Police Department didn't recommend denial.

Chairman Thornton thought the conditions, except condition four from the Development Department and condition one from the Planning Department, were standard.

Mr. Wilkinson said that is correct.

Commissioner Negrete asked if that also applies to the operating hours.

Mr. Wilkinson answered the last applicant accepted the operating hours, and we believe that would be an appropriate condition. He thought the applicant just received the packet before the meeting, so we should insure she's comfortable with what's being presented.

Mr. Magness pointed out the packet was mailed to the address we were given un-returned. However, she did not have a chance to see it until this time.

Commissioner Freistroffer thanked the applicant for being clear about her operating hours. He heard public comment about noise being a concern, and wondered if the City Manager's Office considered the compatibility to other businesses and neighbors in the Central Business District.

Mr. Wilkinson said they did look at that. City Code Section 3-2-10 (B) (5) talks about commercial activities. It does not take into account the residential uses in the area. The concern they had was that when the memos were drafted up noise wasn't a concern if there was a full-service kitchen. Noise became a concern after the fact. Why wouldn't noise have been a consideration up front and have conditions that deal with that?

Mr. Magness mentioned residential is allowed in commercial zoning. We could extrapolate that any uses that are allowed within the C zone would be considered commercial activity.

Commissioner Freistroffer clarified he sees a conditional use that is not compatible with an allowed use, so you have a conditional use trumping a use you don't have to apply for.

Mr. Wilkinson felt they could consider noise reduction measures as a condition.

Commissioner Freistroffer was not able to discuss what he felt would be an allowable decibel level next to residential tonight. He again stressed how they would be approving a conditional use that doesn't seem to be compatible with present allowed uses.

Commissioner Becker asked how it's not compatible.

Commissioner Freistroffer explained if noise is created then it's not compatible with the allowed use next door, which is living.

Commissioner Becker asked how that's different than the current business mixture.

Commissioner Freistroffer answered everything is its own individual case. If we hear that the bar's location is incompatible with existing uses it's problematic and we need to consider it. Additionally, we are supposed to favor current uses.

Mr. Wilkinson said his comments had to do with the information as submitted. We have a concern with the kitchen conditions because those might not withstand a legal challenge.

Commissioner Freistroffer agreed with the kitchen conditions, but they also have to consider the public comments.

Mr. Wilkinson didn't have the public comments when drafting his points of discussion.

Chairman Thornton didn't see a compatibility issue because there is already a bar on the other side, and he agreed about legal challenges.

Commissioner Becker also agreed. There are noise ordinances that are already enforced by the city.

Commissioner Freistroffer asked if the provisions of City Code Section 3-2-10 (B) (5) were in place when some of the other bars were given CUPs.

Before anyone answered, Chairman Thornton asked how long the residence has been there.

Mr. Hanington answered probably since the late '60s.

Mr. Wilkinson remembered it was redeveloped as a residential improvement more recently, maybe within the last five years. The CUP required for a mixed-use in the downtown area may have been missed at the time, but the G bar was in existence at the time the residential use more recently came about.

Lina Blohm verified Mr. Hanington's answer. She sold the property to Mr. Hanington and it was already residential. He just had to clean it out and do some repairs.

Commissioner Freistroffer asked when the Central Business District zoning was created.

Mr. Wilkinson answered a long time ago, probably '79 or something like that. Up until we did revisions to the commercial district three or four years ago bars did not require a CUP.

Mr. Magness added we're starting to encourage residential above commercial in the Central Business District. Bars are considered a nuisance so that the Planning Commission can look at the merits of that particular application and the need for conditions.

Commissioner Freistroffer is not against bars in town, but we need to consider that if we allow a lot of bars in the Central Business District we could be creating mixed use conflicts.

Commissioner Becker wasn't sure we can restrict free market capitalism. There's nothing in the Master Plan or zoning laws that dictate we have that ability. In the Land Use component we're supposed to encourage revitalization and redevelopment of the downtown area to strengthen its role, and if allowing a new business to come in, albeit another bar, is what the market is dictating then that is what the market is dictating.

There was continued discussion about whether a bar would be incompatible at that location. Chairman Thornton and Commissioner Negrete agreed with Commissioner Becker.

Addressing a few of Mr. Hanington's concerns, Ms. Alvarez-Jacobo stated their security won't let anybody take bottles outside, and they will take care of any trash that belongs to their bar. However, she can't control what the other bar does. She won't have room for a kitchen, but there is a restaurant right next door that people will eat at before going out.

Chairman Thornton wondered if she would be willing to explore some sort of sound attenuation on the wall.

Ms. Alvarez-Jacobo was willing to look into it.

Mr. Wilkinson pointed out there are other establishments downtown that frequently have live music with residential uses above that.

Commissioner Negrete noted that's a positive for some people and that's why they live downtown.

Chairman Thornton went over the conditions with the applicant, then asked if she was okay with them and could meet them.

Ms. Alvarez-Jacobo was okay with the conditions and stated she would try to meet them.

Ms. Blohm appreciated the deliberation because as we move forward with redevelopment there will be more discussion regarding how we approach this very issue, especially as it regards the kitchen and eating. It appeared to her several months ago that the applicant with a very similar request accepted that he would establish a kitchen because food is a very necessary part of the new bar environment that we're trying to create. Tonight she's hearing a different story, and was confused about how that will relate to redevelopment moving forward in their discussion of defining bars in the Central Business District.

Commissioner Negrete clarified in the previous case the full kitchen was put on there as a stipulation by staff. The applicant wanted no food whatsoever. In order for there to be a compromise he said he would plumb it in because with his company it's easy enough for him to do, where a full kitchen was too cost prohibitive and wasn't something he wanted. He gave specific examples about other establishments in town that were not required to do that.

Chairman Thornton added and the fact that he said kitchens don't make money.

There was more discussion about bars, kitchens, and code.

Jeff Dalling, Coffee Mug, felt you can't prohibit business, but he wasn't thrilled about having another cantina next door because he already has to deal with puke, trash, and loud music. He's also had people call him who aren't excited about it.

Ms. Alvarez-Jacobo saw his point of view, but her business will not be a cantina. A cantina attracts more single men to just drink, but her place will be a dance place with live music.

Mr. Dalling stated originally Jose Guzman of Cimarron West was going to do this who has had some financial and other issues. As we all know Cimarron West is no longer there, and John Carpenter had such a time with it that he ripped out the restaurant completely. His biggest concern was they were working at night putting in improvements with no permits and they got caught. Who has the responsibility of doing business the right way? He personally had to jump through serious hoops to get Coffee Mug done.

Mr. Wilkinson said they'll correct all those deficiencies.

Mr. Magness said the applicant stepped in when the stop order was placed on the property.

Ms. Alvarez-Jacobo said Mr. Guzman was going to open the bar. The Stop Work Order was done before she took over. She had a walk through with everybody, has been coming to meetings, and is trying to do everything the way it's supposed to be done: licenses, permits, etc. She had nothing to do with Cimarron West.

Commissioner Negrete asked what will happen in that situation. Will the walls be opened up to make sure the plumbing has been taken care of?

Mr. Wilkinson answered the Building Department deals with these issues on a frequent basis where people don't understand they need permits for certain activities, and they will manage those issues going forward.

Ms. Alvarez-Jacobo has been talking to the Building Department, and has already agreed that everything that was done would be taken out and redone by a licensed contractor.

**\*\*Motion:** Conditionally approve Conditional Use Permit No. 5-15 subject to the conditions read into the record by Chairman Thornton which are listed as follows:

**Building Department:**

1. Building permits are required for all work done to structure.

**City Clerk:**

1. A business license is required prior to opening for business.

**Development Department:**

1. The conditional use permit is granted to the property owner(s) allowing for the use of the property as a bar.
2. The permit shall be personal to the property owner(s) and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
3. The property owner records the conditional use permit.

**Fire Department:**

1. The applicant is responsible for obtaining any and all associated building and fire related construction and/or operational permits required to gain approval for the proposed use.

**Police Department:**

1. Compliance with Elko Liquor Control Code (particularly 4-5-17, 4-5-18 & 4-5-28).
2. Proper lighting necessary inside and outside establishment.

**Planning Department:**

1. Applicant will be responsible to maintain cleanliness at all times in front of the establishment and the adjacent alley.
2. Bar/Dance Hall will be allowed to operate up to 18 hours in a 24 hour period.
3. Signage will require a separate application with the Building Department and be subject to the Design Guidelines outlined in the Elko Vision Plan.
4. Compliance with all staff conditions.

**Utilities Department:**

1. Civil Design Plans are required for review and possible approval.

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 Downtown Vision Plan, the City of Wellhead Protection Plan, and the City of Elko Zoning Sections 3-2-3, 3-2-10(B)(4), 3-2-10(B)(5), 3-2-17, 3-2-18, and 3-8.

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

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

## **B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**

1. Review and consideration of Final Plat No. 4-15 for the Tower Hill Unit 2 subdivision, filed by Jordanelle Third Mortgage LLC, for the division of approximately 17.05 acres into 23 lots and a remainder parcel for residential development within an R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located approximately 130 feet southwest of the terminus of Stitzel Road (a portion of APN 001-920-079).

Mr. Draper explained the final plat for phase 1 was approved last year. The developer is ready to start grading work on that, and plans to do so this spring. Therefore, we are going to move forward with this phase. One of the concerns is this subdivision is near the upper end of our 5,400 water zone. We're reaching the limits we have out there, so we're working on ways to develop that next zone. He recommended conditional approval.

Mr. Thibault and Mr. Griego recommended conditional approval.

Mr. Wilkinson recommended approval.

Scott MacRitchie clarified they received a grading permit for the whole project, not just phase 1. That's why they're in for phase 2 and will subsequently be in for phase 3.

Tom Ballew, High Desert Engineering, expressed they didn't have a problem with the conditions with the exception of Development Department's condition 3. They would like it to say Jordanelle Third Mortgage will do their fair share of the path on the other side of the street, not 283 lineal feet. The 283 lineal feet was shown on the plans assuming that the improvements are going to be installed on the northeast side of the street.

Mr. Wilkinson felt stating a fair share would leave enough ambiguity in that condition that it could be argued later what that is, but this is pretty straight forward.

Mr. MacRitchie wanted clarification of what they're expected to do on the other side. Is the path still 10 feet wide? Would they be responsible for contributing what it would cost to do 283 feet of curb, gutter, and sidewalk?

Mr. Wilkinson said maybe it should read a financial equivalent.

Mr. MacRitchie said that wasn't what we discussed in phase 1. We discussed 283 feet of the path. You had an agreement with the hospital years ago and they didn't put it in.

Mr. Wilkinson said the hospital has a small portion of this entire frontage.

Mr. MacRitchie asked if they put that frontage in.

Mr. Wilkinson said they will be doing that.

There was more discussion about what the equivalent means.

Mr. Draper explained you're going to do 283 lineal feet on the southwest side, but what I'm thinking about doing is taking the value of whatever that shared use path is and maybe instead of you doing the dirt work and paving, you take that value and just do dirt work.

Mr. MacRitchie said I understand much better now, and have no problem with what you're driving at.

**\*\*Motion:** Forward a recommendation to City Council to conditionally approve Final Plat No. 4-15 subject to the conditions found in the City of Elko Staff report dated May 5, 2015 listed as follows:

**Development Department:**

1. Conformance with Preliminary Plat conditions.
2. Verification from NDOT that a traffic study is not required is a recommended condition for approval of the final plat to support a finding that the development will not create unreasonable traffic congestion at the intersection of Pinion road and State Route 227. **The verification is required prior to Council consideration of the final plat.**
3. Public improvements are required on the State Route 227 frontage or on the south southwest side of the State Route in accordance with NDOT approval. As previously agreed upon, Unit 2 will be responsible for the equivalent of 283 LF of frontage improvements on the SW side of Lamoille Highway. The City of Elko shall provide the design for this work.
4. A soils report is required.
5. A hydrology report is required. Conformance with Section 9-8 post-construction runoff is required.
6. Civil improvements are to comply with Chapter 3-3 of City code.
7. The Utility Department will issue a Will Serve letter after the Council approval of the Final Plat. The will serve will be for the 23 lots in Unit 2.
8. Final approval for civil improvement plans. The Development Department is reviewing the civil improvement plans and will have comments at a later date.
9. State approvals for the subdivision.
10. The Developer shall complete all required subdivision improvements within two (2) years. Approval of the Final Plat shall expire if within two (2) years the applicant has not completed the required subdivision improvements. The applicant may request an extension of time as provided for under provisions of City code.

11. A Performance Agreement with regard to the dedicated public improvements is required within 30 days of Council approval of the final plat.
12. Appropriate security is required **prior** to the City of Elko Certifying the Final Map as required in 3-3-45.

**Engineering Department:**

1. Update the legal description on Sheet 1 to match note 2 on Sheet 2.
2. Show a tangent or radial bearing for C26 along Lamoille Highway.

**Fire Department:**

1. Fire Department access shall comply with the requirements of the 2009 International Fire Code chapter 5 section 503, and Appendix D section D107 as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

*This section requires that one- and two-family dwelling subdivisions with more than 30 dwellings have more than one fire apparatus access road into the development. The second access road is needed in case one access road for any reason becomes unusable. The two access roads must also be remote from one another as required by Section D104.3 to reduce the likelihood that both access roads would be compromised by a single fire or other emergency event.*

*Exception 1 states that when there are more than 30 dwelling units equipped throughout with an approved sprinkler system in accordance with NFPA 13, 13R or 13D, as applicable or approved, a second access road is not required. This recognizes the effectiveness and reliability of properly designed and installed automatic sprinkler systems in mitigating the need to have two access points.*

*Exception 2 requires approval by the fire code official any time a new house is constructed on an existing access road. Once the maximum number of dwelling units allowed by this section has been reached, no further development may occur unless the fire code official determines that there will be a future road connection that will prevent creation of an excessive dead-end situation with no means for apparatus turn-around. Such determination by the fire code official should consider the phased-*

*development of an individual project or adjacent projects. Requiring evidence of legal agreements for specific future development would be prudent, especially in times of economic uncertainty. This gives the fire code official an opportunity to assess whether additional access is required in the interim.*

2. Please demonstrate the existing access easement meets the requirements of the 2009 International Fire Code chapter 5, section 503 and will be maintained as such or provide fire suppression as an approved exception as listed.
3. Fire protection water supply and access shall be provided prior to combustibles on site.
4. Fire protection water supply shall be provided as required by the 2009 International Fire Code chapter 5, section 507. Fire flow demand and duration shall be determined in compliance with the 2009 International Fire Code Appendix B and listed on the utility sheet. Documentation the required Fire flow can be achieved shall be obtained from the City of Elko Engineering Department and provided in the revised plan submittal.
5. Fire protection water supply shall be determined public or private by the city of Elko Utilities Director and clearly labeled on plan.
6. Fire hydrants shall be provided and spaced in compliance with the 2009 International Fire Code Appendix C. Please provide a utility plan depicting the full subdivision.
7. A detailed phasing plan shall be provided for the entire subdivision. Phasing plan shall detail the required fire department access and water supply for each phase.

**Parks and Recreation Department:**

1. No concerns at this time.

**Planning Department:**

1. Compliance with all staff conditions.

**Public Works Department:**

1. Public improvements required at time of development per City Code.

**Utilities Department:**

1. Water and Sewer redline comments as included on the Civil Drawings.

Commissioner Hooiman's findings are the final plat complies with City of Elko Master Plan Land Use and Transportation components, the City of Elko Redevelopment Plan, the City of Elko Wellhead Protection Plan, and City of Elko Zoning Sections 3-2-3, 3-2-4, 3-2-5(B), 3-2-5(G), 3-2-17, 3-2-28, 3-8, Chapter 3, Chapter 3-8, and Title 9 Chapter 8.

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

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

2. Review and consideration of Vacation No. 1-15, filed by Klondike Holding LLC, for the vacation of the utility and drainage easements located on the southwesterly side of APN 001-920-037 consisting of an area approximately 10 feet in width by 315 feet in depth, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally south of Pinion Road and Cherrywood Way (APN 001-920-037).

Lana Carter stated her client wants to develop the property, but there is an easement that runs along the southwest property line that has nothing in it. She's already been working with her lawyer to get some of the dry utilities to vacate that portion of the easement. SW Gas has already vacated their portion, and Sierra Pacific, Satview, and Frontier will soon be.

Mr. Draper explained the applicant wants to do something similar to her buildings northeast of this property, but in order to do that she really needs to hug that property line. He recommended conditional approval.

Chairman Thornton saw the letter from NV Energy and wondered who else we're waiting on.

Mr. Draper said SW Gas, Satview Broadband, and Frontier. He wasn't sure if we had those on file, but sometimes they don't respond. We take that to mean it's fine. We had some issues where utilities were outside easements here, but we saw no issue with this easement.

Mr. Thibault and Mr. Wilkinson recommended approval.

Commissioner Becker wondered how that will work if we have a condition that says written response will be on file, but not all utilities respond.

Mr. Draper thought there was a time limit within N.R.S. for those responses.

**\*\*Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-15 subject to the conditions stated in the Development Manager's memo dated April 21, 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. Structures located within 5 feet of the property line shall meet all sections of the building and fire code.
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 compliance 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 3-2-11(B) and 8-7.

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

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

3. Review and consideration of Vacation No. 2-15, filed by the Ron and Joan Meyer Family Trust, for the vacation of a portion of the Front Street right-of-way consisting

of an area approximately 248 feet in width by 10 feet in depth, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Front Street, west of S. 4<sup>th</sup> Street abutting APN 001-710-058.

Ron Meyer, 1806 Sewell Drive, has owned the property for 15 years. His tenant has grown to the point where he needs more storage.

Mr. Draper noted NV Energy has utilities through there and they request an easement. He explained how when we look at vacations of street right-of-way we make sure we're not going to give something away that may have future development potential, and this won't. NDOT would only allow right-in, right-out if Front Street ever connected to 5<sup>th</sup> Street, and that wouldn't increase the usage of Front Street. He recommended conditional approval.

Mr. Thibault recommended conditional approval.

Mr. Wilkinson recommended approval.

**\*\*Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 2-15 subject to the conditions found in the City of Elko Staff Report dated May 5, 2015, with an alteration to the Development Department's condition number 3, listed as follows:

**Development Department**

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. Structures located within 5 feet of the property line shall meet all sections of the building and fire code.
3. The applicant shall record a public utility and drainage easement a minimum of 7.5' in width across the new property line along Front Street as well as over any other existing utilities as needed. Additionally, include a 15' easement centered on NV Energy utilities on the property.
4. The applicant is responsible for all costs associated with the recordation of the vacation and the dedication of the easement.

**Engineering Department**

1. The word Proposed should be removed from the legal description and display map before recordation of the ordinance.

Commissioner Negrete's findings are the vacation conforms 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** David Freistroffer.

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

4. Review and consideration of Annexation No. 1-15, filed by Tibensky, Embry, Holmes, and Rainey, involving approximately 41.4 acres of property. **FOR POSSIBLE ACTION**

The subject property is located approximately 1,650 feet southwest of the intersection of Idaho Street and Youth Center Road. (APN 006-10C-003).

**This item is being held to the June 2, 2015 Planning Commission meeting.**

5. Review and consideration of Temporary Use Permit No. 2-15, filed by Gallagher Ford, for the placement and use of two temporary trailers for administrative offices within a C (General Commercial) Zoning District. **FOR POSSIBLE ACTION**

The subject property is located generally east of the intersection of Idaho Street and 30<sup>th</sup> Street (650 30<sup>th</sup> Street).

Tom Hannum, Summit Engineering, gave an overview of the application.

Mr. Magness stated there will be sufficient parking on site during the remodel. He recommended conditional approval for one year.

Mr. Draper recommended conditional approval for six months based on the request of three months.

Mr. Hannum thought six months was appropriate. The construction time should only be three to four months.

Mr. Magness again asked the Commission to give the applicant one year.

Chairman Thornton thought temporary use permits were normally a year, and stated they would go with the standard.

Mr. Thibault and Mr. Wilkinson recommended approval.

**\*\*Motion:** Conditionally approve Temporary Use Permit No. 2-15 subject to the following conditions:

1. Permit is issued for the time period of one (1) year.
2. All items/materials stored must be inert.
3. Trailer locations and parking will be completed per plan.
4. Temporary Use Permit No. 2-15 is applicable to APN 001-560-045.

Commissioner Becker's findings are the temporary use permit is applicable to the City of Elko Master Plan Land Use and Transportation components, and the City of Elko Zoning Sections 3-2-3 (C) (5), 3-2-17, and 3-8.

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

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

6. Review and consideration of Final Plat No. 5-15 for the Great Basin Estates Phase 1 subdivision, filed by Parrado Partners LP, for the division of approximately 58.167 acres into 24 lots and two remainder parcels for residential development within an R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Clarkson Drive, approximately 725 feet east of 12<sup>th</sup> Street (APNs 001-630-062, 001-630-064, and 001-630-067).

Ms. Carter, representing Robert Capps and Parrado Partners, LP, explained this phase will connect Clarkson Drive to Opal Drive. The owner doesn't have a problem with any of the conditions.

Mr. Draper stated Reece Keener was concerned about backing onto Opal Drive, but we believe we've addressed those concerns. One of the original concerns was how much traffic we're going to see on Opal Drive once it connects to another street, but based on the traffic study we didn't feel like that was an issue. Even though this is a collector this is still appropriate. This area is in a flood zone, so even if the grading work was done today the developer is still six to seven months away from being able to record this map and sell properties. He recommended conditional approval.

Commissioner Negrete wanted to see the area overhead to understand Mr. Keener's concerns.

Mr. Draper explained the concern was if Opal Drive connected to the County property and it also developed as residential because there is a larger influx with residential properties. However, Mr. Capps owns the property in between there as well. Mr. Draper's thoughts were to have Opal Drive connect to Villa Drive so it's contained within itself. If the County property develops as a subdivision it can connect to Last Chance Road which is also suited as a collector. The traffic report included full residential development on both of Mr. Capps' properties.

Mr. Thibault's concerns were addressed with an updated map he received by email today.

Mr. Wilkinson recommended approval.

**\*\*Motion:** Forward a recommendation to City Council to conditionally approve Final Plat No. 5-15 subject to the conditions found in the City of Elko Staff Report dated May 5, 2015 listed as follows:

**Development Department**

1. The Applicant shall complete all required subdivision improvements within two (2) years. Approval of the Final Plat shall expire if within two (2) years the applicant has not completed the required subdivision improvements. The applicant may request an extension of time as provided for under provisions of City code.

2. Preliminary Plat conditions as appropriate.
3. The Final Plat may not be recorded until after the LOMR is of record from FEMA.
4. The Utility Department will issue a Will Serve after acceptance by the City Council
5. Final approval for civil improvement plans.
6. State approvals for the subdivision.
7. A Performance Agreement with regard to the dedicated public improvements shall be in place **prior** to the City of Elko Certifying the Final Map as required in 3-3-44.
8. Appropriate security is required **prior** to the City of Elko Certifying the Final Map as required in 3-3-45.

**Engineering Department**

1. On Sheet 1, show all property corners on Lot A as found or set.
2. Provide closure calculations for Lot A.
3. The bearing in the closure calculations does not agree with that on the map for Lot 11, Segment 6. Please clarify.
4. The dimensions along the rear lot lines of Lots 23 and 24 are not labeled on the map.
5. The northeasterly end of the access and P.U.&D.E. along the future end of Opal Drive is labeled as 60.00', but is drawn wider than 60'. Please clarify.

**Public Works Department**

1. All public improvements per City code at time of development.

**Utilities Department**

1. Civil Plans for water and sewer will be reviewed at time of submittal and offer any feedback in the form of redline comments.

Commissioner Negrete's findings are the final plat 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 Zoning Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), 3-8, 3-2-17, and Chapter 3.

**Moved by** Jose Negrete, **Seconded by** Tera Hooiman.

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

**II. REPORTS**

- A. Summary of City Council Actions.
- B. Summary of Redevelopment Agency Actions.
- 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.

Chairman Thornton appreciated the discussion about the bar.

Commissioner Negrete felt this was a good blueprint to follow for anything, especially bars, going in downtown since we're pretty limited to what we can do.

Commissioner Freistroffer wondered what the point of approving uses is. Why do they come to the board, and why is it in code for us to determine if they're compatible? Do we need more direction in code? His whole point earlier was reserving the right for this board to determine uses on a case by case basis since ¼ of the district borders residential.

Commissioner Negrete said that portion of town is already designed as a mixed use, so going in there as a resident you know what you're getting into.

Commissioner Freistroffer agreed, but the commercial zone has automatically approved uses and uses that we weigh. Are we supposed to weigh compatibility? If we are and we have things that have been there for 75 years, is a new business that's trying to move in just allowed to say the market says this noisy or stinky business is business now? Well, the zoning says that's a use we can weigh. He didn't think it was settled that we automatically approve everything.

Chairman Thornton said no, and I would never suggest that either. We discussed and considered all the variables. Since this is a public hearing we addressed the public's concerns. He agreed with Commissioner Negrete that what we did tonight is a good blueprint. We considered residential and uses. Yes, it is a case by case thing, but Commissioner Negrete is 100% correct that we are limited. We cannot put conditions on something that's allowable by code.

Commissioner Becker would like to insure the Police are in attendance if we do have another one of these because we hear public comments that the police are going to have a hard time, but we can't address those.

Mr. Magness said they did provide conditions to the other one and reviewed this one, but yeah we'll do it.

Chairman Thornton got upset at the comment about not calling stuff in because if you don't call it in how do you know nothing will be done? Don't complain about it here if you're not going to do something about it when it happens.

G. Staff.

Mr. Magness reminded the Commission there is an Open Meeting Law class on May 14<sup>th</sup> at 1:00 p.m. at GBC. Please let us know by Friday if you will attend so we can notify it properly if there will be a quorum.

## **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.**

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Greg Thornton, Chairman

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Jose Negrete, Secretary