

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**6:30 P.M., P.D.S.T., TUESDAY, JUNE 2, 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 Elko City Planning Commission.

**ROLL CALL**

Present: Greg Thornton, Jose Negrete, John Anderson, Aaron Martinez,  
Joe Becker, Tera Hooiman

Excused: David Freistroffer

City Staff Present: Scott Wilkinson, Assistant City Manager; Rick Magness, City Planner;  
Josh Carson, Fire Marshal; Rebecca Hansen, Planning Technician

**PLEDGE OF ALLEGIANCE**

**INITIAL PUBLIC COMMENT PERIOD**

There were no public comments made at this time.

**I. UNFINISHED BUSINESS**

**A. PUBLIC HEARINGS**

1. Review and consideration of Rezone No. 4-15, filed by Robert Fitzgerald on behalf of Surebrec Holdings LLC, 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).

Luke Fitzgerald has met with staff about the proposed zoning designation. Everyone felt that was a good fit for the area. He doesn't have a set plan right now, but that designation has a broad range.

Mr. Magness recommended conditional approval. Northeast of this parcel is another one this group owns which will help with the continuation of Ruby Vista Drive.

Mr. Carson recommended approval.

Mr. Wilkinson stated Public Works and the City Manager's Office recommend approval. He pointed out residential is not in conformance with the Master Plan, so a residential subdivision could not be approved.

Chairman Thornton said that was a concern I brought up at a past meeting. He asked if the applicant was okay with that, and Mr. Fitzgerald was.

Commissioner Martinez wondered what the parcel to the northeast was zoned.

Mr. Fitzgerald explained it is AG right now, but they are doing a zone change for that to Industrial Commercial as well.

**\*\*Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 4-15 subject to the condition that the proposed zone change be approved upon Annexation No. 1-15 and transfer of title to the property to Surebrec Holdings LLC.

Commissioner Becker's findings are the zone change is in conformance 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 City of Elko Zoning Sections 3-2-4, 3-2-11(B), 3-2-17, and 3-8.

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

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

## **II. NEW BUSINESS**

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

1. Review and consideration of Annexation No. 1-15, filed by Robert Fitzgerald on behalf of Surebrec Holdings LLC, 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).

Mr. Magness explained the area fronts I-80 and helps connect Ruby Vista Drive to the northeast. He recommended conditional approval.

Chairman Thornton asked if the conditions posed any problems for the applicant.

Mr. Fitzgerald said no. He knew the City was working on the right-of-way, and wondered if that would be done by the June 9<sup>th</sup> City Council meeting.

Ms. Hansen stated it would be held to June 23<sup>rd</sup>.

Mr. Carson recommended conditional approval.

Mr. Wilkinson said Public Works and the City Manager's Office concur with the dedication of Ruby Vista Drive.

**\*\*Motion:** Forward a recommendation to City Council to adopt an ordinance which conditionally approves Annexation No. 1-15 subject to the conditions read into the record, listed as follows:

**Development Department:**

1. The property owners should dedicate a right-of-way for the extension of Ruby Vista Drive across the I-80 frontage of the property and over the existing water line. The right-of-way shall be offered for dedication **prior** to a first reading of an annexation ordinance. The Deed of Dedication shall be conditioned on the City annexation of the property and shall be recorded at that time.

**Fire Department:**

1. Fire Department access shall be provided upon development of the subject property. Fire Department access shall comply with the 2009 International Fire Code chapter 5, section 503, and Appendix D.
2. Fire protection water supply will be required to be provided upon development, as required by the 2009 International Fire Code chapter 5 section 507, referenced NFPA standards, and City of Elko Standards. Fire flow demand, duration, and number of hydrants shall be determined in compliance with the 2009 International Fire Code Appendix B and C.
3. A permit and documents package shall be submitted for review and approval of all items listed above prior to development of the property. Development will be required to meet the requirements as listed above or as required by the current adopted code at the time of development.

Commissioner Hooiman's findings are the annexation complies with the City of Elko Master Plan Land Use and Transportation components, the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, Nevada Revised Statutes - 268.610 to 268.670, inclusive, the City of Elko Zoning Section 3-2-4, and the City of Elko Wellhead Protection Program.

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

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

**A. PUBLIC HEARINGS**

1. Review and consideration of Rezone No. 6-15, filed by Jacques Errecart on behalf of Jesse Vargas, for a change in zoning from GI (General Industrial) 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 south side of River Street approximately 165 feet east of S. 7<sup>th</sup> Street (756 River Street).

Jacques Errecart explained Mr. Vargas' father became paralyzed, so they need to modify the current residence. They will add an accessible ramp from the existing garage and build an addition to the back of the residence. The additional development will conform to setbacks. However, there are existing encroachments into the side yard and front yard setbacks. They need to rezone this to allow for financing.

Mr. Magness explained you've seen this before how the way the mortgage lending business is going these days a residence needs to be in a residentially zoned area. He recommended conditional approval.

Mr. Wilkinson read the Building and Development Department's conditions. It is a good idea to have variances recorded since they will show up in a title report should the property ever change hands.

Commissioner Becker wanted verification that it would be three lots they need to merge. (Yes)

Chairman Thornton wondered if all the conditions were acceptable to the applicant. (Yes)

Commissioner Martinez thought this comment applies more to the variance, but wondered if the buildings are in that exact location within the parcel boundaries. He wondered if and how the parcel boundaries were identified.

Mr. Errecart identified them by looking at adjacent properties. They are not surveyed, but they will be prior to this being approved since they have to merge the lots.

Commissioner Martinez's concern is we're approving a variance of linear footages that may not be applicable to the actual site. With a prior application it was vastly different than when he went out and measured himself. Applications coming through the Planning Commission asking for a variance through visual observation is not appropriate.

Mr. Errecart explained they wanted to see if there was even an appetite to approve this since they have to merge the lots anyway. Perhaps there can be an additional condition to have that verified.

Commissioner Martinez let Mr. Errecart know he would be making a motion to table the variance until that can be solidified. He felt the Commission was definitely in favor of it.

**\*\*Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 6-15 subject to the conditions stated in the June 2, 2015 City of Elko staff report, listed as follows:

**Building Department:**

1. The applicant obtains a variance for the side yard setbacks prior to Council approval of the rezone.
2. The detached structure (garage) exterior wall will be in compliance with the required fire-resistant construction as stated in Section R302 of the 2009 International Residential Code.

**Development Department:**

1. A variance application for the side yard setback for the garage and front yard setback is filed with the City of Elko Planning Department and recorded.

**Planning Department:**

1. The applicant obtains a variance for the front and interior side yard setbacks prior to Council approval of the rezone.
2. The applicant merges the lots into one parcel.

Commissioner Negrete's findings are the zone change is in conformance 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 City of Elko Code Sections 2-13-3, 3-2-4, 3-2-5(F), 3-2-21, and 3-8.

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

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

2. Review and consideration of Variance No. 2-15, filed by Jacques Errecart on behalf of Jesse Vargas, for a reduction of the required front yard setback from 15 feet to 9 feet and the required interior side yard setback from 5 ½ feet to 0 feet, in conjunction with a zone change from GI (General Industrial) to RO (Residential Office). **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of River Street approximately 165 feet east of S. 7<sup>th</sup> Street (756 River Street).

Commissioner Becker wondered if the fence was encroaching on the Ruby Mountain Resource Center property.

Mr. Errecart noted there is some funny stuff going on back there. It appeared to be.

Mr. Wilkinson wanted to make sure everyone understood that the resolution couldn't be signed by the Mayor and the rezone take effect until after the variance is approved and recorded.

**\*\*\*Motion:** Table Variance No. 2-15 to the July 7, 2015 Planning Commission meeting since the supplied site plan is not surveyed. **Moved by** Aaron Martinez, **Seconded by** Joe Becker. **The motion passed unanimously.**

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

2. Review and consideration of Annexation No. 2-15, filed by Bailey & Associates LLC, involving approximately 3 acres of property. **FOR POSSIBLE ACTION**

The subject property is located generally west of Sagecrest Drive approximately 665 feet north of Mountain City Highway (APN 006-09C-008).

Mr. Magness explained the desire of the applicant is to continue the Autumn Colors development. He recommended approval.

Chairman Thornton wondered if the houses north and east of this have been notified, or if it was even required.

Ms. Hansen explained notifications aren't required until the public hearing at City Council.

Mr. Carson recommended approval.

Mr. Wilkinson summarized Mr. Draper's memo. This site was identified as having annexation potential in the Development Feasibility... and Annexation Potential Report that City Council adopted. He pointed out the County was notified, and they're not opposed to the annexation. He recommended approval.

Commissioner Martinez wondered if this was supposed to be part of Autumn Colors or separate.

Mr. Magness explained it's supposed to be a part of that, but whether or not it integrates the same housing type or not hasn't been decided. We also haven't seen any mapping yet, so we don't know whether access is internalized.

Commissioner Martinez verified that the zoning requirements and land use would be the same. (Yes)

Mr. Wilkinson pointed out the development agreement would not be a part of this development.

Commissioner Becker wondered if having half a road in the City and half in the County would pose problems.

Mr. Wilkinson explained we would be required to maintain that. His interpretation of NRS is that any subdivisions must have full road development.

Mr. Magness pointed out the intent is to provide 11 lots. He felt we would see access along Sundance.

Commissioner Becker felt the City is getting a bum deal, and that all four of the County lots should be considered for annexation.

Mr. Magness pointed out this is just a continuation of utilities, and the other three lots were already developed.

Mr. Wilkinson explained the area to the north of those are BLM and developed patent areas, but we have identified them for annexation potential. When we first considered annexing the property where Autumn Colors is the County encouraged us to reach out to the four property owners, but we don't do that. The properties are probably on well water, so if they ever have problems with their wells they might want to approach the City for annexation. We have the ability to see Sagecrest extended up into that Section 8 area, but once we get past these four parcels we will probably have to serve that area with our next water service zone.

Commissioner Becker felt they'd be doing Mr. Bailey a favor in extending the City services without him explaining why.

Mr. Wilkinson said he is constructing everything, so our cost is just maintaining the roadway and utility infrastructure.

Commissioner Becker said and constructing a roadway for people that are in the County surrounded by the City.

Mr. Wilkinson noted the capital expenditure would fall on Mr. Bailey.

Commissioner Becker wondered if he would be doing curb, gutter, and sidewalk on the County side.

Mr. Wilkinson noted that may be the way that shakes out.

Commissioner Martinez thought he was only required to do the frontage of that adjoining parcel.

Mr. Wilkinson noted that's not real clear. At a minimum we would have a 30 foot width of pavement, and curb, gutter, and sidewalk on his side.

Commissioner Martinez wondered if the City can mandate improvements on County property.

Mr. Wilkinson thought so if we need it for safety reasons.

Commissioner Martinez wondered if Mr. Bailey's property could encompass the entire 30 foot roadway section if there's a question about whose responsibility it is because five or ten years down the road that could be a tough battle to fight on the private side.

Mr. Wilkinson explained it's clear that any improvements that serve the subdivision are the City's responsibility. The annexation goes to the middle of the right-of-way. The road is already developed up to the corner of that property, so we would have a sharp jog in the road if we did that.

Chairman Thornton wondered what the small parcel to the south is.

Mr. Wilkinson explained it's already annexed and it was dedicated to the City for stormwater control. It's the detention basin for the Adobe Creek drainage.

Commissioner Martinez wondered if it would be in the City's best interest to approach all four property owners to do this all in one fell swoop.

Mr. Wilkinson thought so if we had some additional property further into Section 8, but right now the cost would be on the City to extend the utilities and roadway since they are already developed. If we asked them to extend the utilities and roadway the cost would probably discourage them from pursuing that.

Commissioner Martinez wondered if the City is required to provide those services since they already have utilities and wells.

Mr. Wilkinson explained it is implied.

Commissioner Becker wondered if annexing this is in the City's best interest. He wasn't convinced this is a good use of City infrastructure especially since there is a potential shortfall of water and the road issue bothers him.

Commissioner Negrete agreed.

Commissioner Hooiman wondered what the parcel to the east of the County parcels was zoned.

Mr. Wilkinson said it's Planned Commercial. When we rezoned that to Commercial we gave it that sub-designation.

Commissioner Hooiman assumed it was residential above Adobe Middle School because there are homes.

Chairman Thornton said I think that's County.

Mr. Wilkinson said if we could annex all four parcels and clean up our boundary that would be ideal. It would offer some potential if they weren't single family homes, but it is what it is.

Commissioner Negrete wondered what would happen if they put the ball in Mr. Bailey's court and made him approach the other property owners.

Commissioner Becker noted Mr. Bailey isn't finished developing all the available property he has, so I don't see us extending this to him is in the City's best interest at this time.

Commissioner Martinez agreed. We are not getting much infrastructure, however the benefit is the additional tax base and cleanup of that parcel.

Mr. Wilkinson explained you will see water and sewer extended up that full frontage which will make it easier for the other three parcels to connect to the infrastructure and annex in the future.

Commissioner Martinez feels the odds are very slim that those other three parcels will want to be in the City because they have larger latitude to do what they want within the County. However, he does see the benefit of allowing someone to create something conducive with the lower development, and if Mr. Bailey has the aspirations to do that it is better than leaving it as County.

Mr. Magness explained they could always hold it and listen to the merits of the applicant.

Chairman Thornton didn't like the half road issue because they're not supposed to incur financial problems for the City.

Mr. Wilkinson explained half a road already exists along Autumn Colors. The difference is we have property we expect will develop over time that will pave the other half of that road. There will be some wear and tear on the edge of the asphalt, but it would more of a concern if we had a bunch of traffic up there. The infrastructure for water and sewer has been extended to the cattle guard in anticipation of development to the north, so this annexation furthers that goal. If you're looking at tax generation to offset maintenance costs the reality is the existing single family developments within the City probably don't do that. Multifamily does because you have more units on less frontage and a lot higher tax base.

Commissioner Becker wondered what happens to the cattle guard.

Mr. Wilkinson explained the developer would have to pay for the cost of that being moved if it has to be relocated. He would hope the County is not allowing the cattle to encroach into developed lots, so the fence should be up there already. The cattle guard is probably a remnant.

**\*\*\*Motion:** Table Annexation No. 2-15 to the July 7, 2015 City Planning Commission meeting. **Moved by** Jose Negrete, **Seconded by** Joe Becker. **The motion passed unanimously.**

### III. REPORTS

#### A. Summary of City Council Actions.

There was a little bit of discussion about the Horseshoe hearing. Mr. Magness has been instructed to compare the liquor and zoning codes and bring a report back to City Council. Mr. Wilkinson and Police Chief Reed are helping with that. At the end of the day there may be some results that allow this board to make decisions going forward. Ever since the City decided to revise the liquor code there's been some momentum.

#### B. Summary of Redevelopment Agency Actions.

Mr. Wilkinson reported we are close to finalization of the studies/plans, so if the Commission has a chance to review those and offer any comment that would be good.

Mr. Magness added the Economic Action Plan is posted on the City website for about 15 days and then we will move forward with approvals. Within 30 days the Urban Code Overlay is going to be posted online for final comments, and within 30-45 days the Downtown Corridor will come back to the public. Right now it's being vetted through a steering committee.

Commissioner Hooiman felt they should integrate more of the Hispanic heritage into the plan, so they are more invested.

Mr. Magness explained we're going to list the outcomes of the survey we did online probably within the next week. Finding the activities of all cultures and expressing that is a good thing.

C. Professional articles, publications, etc.

1. Zoning Bulletin

2. Zoning Practice

D. Preliminary agendas for Planning Commission meetings.

E. Elko County Agendas and Minutes.

F. Planning Commission evaluation. General discussion pertaining to motions, findings, and other items related to meeting procedures.

G. Staff.

## **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