

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**6:30 P.M., P.D.S.T., TUESDAY, JUNE 7, 2016**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

Aaron Martinez, Chairman, called the Elko Planning Commission meeting to order at 6:30p.m.

**ROLL CALL**

**Present:**

**David Freistroffer, Jose Negrete, Aaron Martinez, Joe Becker, John Anderson, Tera Hooiman, and Jeff Dalling.**

**City Staff: Scott Wilkinson, Assistant City Manager; Bob Thibault, City Engineer; Jeremy Draper, Development Manager; Josh Carson, Fire Marshal; Shelby Knopp, Planning Technician**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments made at this time.*

**APPROVAL OF MINUTES**

May 3, 2016 – Regular meeting **FOR POSSIBLE ACTION**

**\*\* A motion was made by Jose Negrete, seconded by David Freistroffer, to approve the minutes as submitted**

*The motion passed with Chairman Martinez abstaining. (6-0)*

**I. NEW BUSINESS**

**A. PUBLIC HEARING**

1. Review, consideration, and possible approval of Preliminary Plat No. 4-16, filed by Scott Reutner Properties, LLC, for the development of a subdivision entitled Aspen Heights Estates involving the proposed division of approximately 2.5 acres of property into 9 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally on the South side of Celtic Way approximately 120 ft. west of Shadow Ridge Dr. (APN 001-660-011).

Scott Reutner, general partner of Scott Reutner Properties. Said he is applying for a nine lot subdivision, it is very simple, one single cul-de-sac right up through the middle. All the lots are large, 9,000 plus feet.

Ben Gunn, 2736 Sunnyside Dr., said his wife and himself have a concern with the development of multiple family homes. One of the reasons they recently purchased a home in this area, was the lack of multiple family homes. Right now the whole area has single family homes.

Brian Marczak, 2724 Sunnyside Ave., said he agrees with Mr. Gunn, and has similar concerns. Also he would like to see preliminary plot plan and layout, and see how it would affect the surrounding neighborhood.

Jeremy Draper, addressed the first question about multiple family housing, which has to do with the zoning that this entire area is, including the properties of Mr. Gunn and Mr. Marczak, those properties could be multiple family homes as well. That's just the way it is with the R zone, it does allow the development of multiple family homes. Speaking with Mr. Reutner and his wishes for this subdivision, he does intend to build single family homes in this area. There's not really a concern there. There are zones that restrict to just single family housing, however that would require a zone change. Zone change is something that the Commission can consider as a condition of this Preliminary Plat. He pulled up the Preliminary Plat map on the screen.

Scott Wilkinson, added that depending on the type of dwelling that is developed the area requirements increase, parking requirement increase, etc. It's not probable that something larger than a duplex go on some of these lots, if not all of them.

Mr. Draper, explained the preliminary plat map that was presented to the City and the Planning Commission.

Mr. Wilkinson, said this zone allows for single family up to four-plexes, anything over five requires a Conditional Use Permit and is treated as an apartment complex. Again the area requirements increase once you get up to three and four-plexes.

Chairman Martinez, said ultimately the existing zoning that's placed on the parcel now, allows for single and multiple family. Mr. Reutner has laid out preliminary plat that could only offer single family at this time, but there is potential for something else, like a duplex. Mr. Wilkinson, conveyed that what ultimately stops them from going beyond a duplex is the parking requirements.

Cregg Lucero, 2744 Sunnyside Avenue, stated that he is against it all together. He has lived in his house for five years and has been trying to figure out who owns the property, to try and

see what he would have to do to get it turned into a city park. He states that there is no park in that area, and that he has gotten no response.

Chairman Martinez, said that ultimately this is a private parcel. If Mr. Lucero owned it he would want to leverage his investment, and that's probably what Mr. Reutners goal was when he purchased the property. He asked what the latitude of the PQP parcel is that is north of the property in question, and what the neighborhood could expect to be built in that location under the current zoning requirement.

Mr. Draper, explained that PQP parcel to the north of parcel in question is owned by the Elko County School District. They are looking at the parcel for a possible elementary school. They are looking at this parcel and a few others throughout the city, trying to determine the best location. He explained that the parcel is not owned by the city, so until the School District decides what to do with it, it will sit vacant.

Commissioner Negrete, asked if the proposed parcel was part of a swap with the School District a few years ago.

Mr. Draper, Yes, and he believed that it is still possible that the City would swap with the school district for this parcel. He stated that the City has not had conversation with the School District at this time.

Brian Marczak, 2724 Sunnyside Avenue, asked if any consideration has been made as to the handling of storm water run-off. He stated that during significant rain storms there is a lot of run-off that goes down Celtic Way. It causes flooding in the nearby cul-de-sac in the drainage ditch for the area.

Mr. Draper, said that the City has met with the engineer for Mr. Reutner, and that the drainage issue is something that will need to be considered and discussed moving forward. Right now we do have a preliminary grading plan, from Mr. Reutners engineer, for this subdivision. In the grading plan, along the east property line, there is a drainage ditch that would convey the storm water from this property. It does not go to Starley Circle. He continued explaining the storm water path from the preliminary grading plan.

Chairman Martinez, asked Mr. Marczak if he's concerned about the storm drainage that is going to Celtic Way.

Mr. Marczak, said that the storm drain doesn't drain very well, and that the water currently flows down Celtic Way.

Chairman Martinez, said it looks like, from what is shown on the preliminary plat that the water shoots from Celtic Way over to Shadow Ridge Dr.

Mr. Marczak, explained that the water actually runs clear down to Jennings and across Jennings to Arroyo Seco Circle. Water will run down there and cause occasional flooding. His concern is with additional pavement and roof tops that the water won't be absorbed and

there will be greater run-off, which the storm drain isn't handling at the current run-off amount.

Mr. Draper, said The City does have code requirements that would require Mr. Reutner, when he develops this, to account for the increase in run-off. What he will be required to do is cut off that peak flow. He met with Mr. Reutners engineer today, they did discuss this situation and talked about a couple of different options that would work to reduce the flow that comes off the property. One of those possible solutions it to create an infiltration chamber where the 'V' ditch is located, similar to what the City is currently doing on Cedar Street, to actually try to slow the flow and reduce the run off that would come off this subdivision.

Chairman Martinez, stated that it is hard to understand from the map that was presented to the Commission. Lot grading does offer some ambiguity between what's going to be built compared to what is being shown on the grading plan.

Mr. Draper, gave an overview of his memo. He recommended approval based on the conditions in his staff memo. He went on to explain why lot five doesn't meet the required depth. He feels that a modification of standards in accordance to the City Code is appropriate. And stated that Public Works department requested that public improvements be made per City Code at the time of development.

Bob Thibault, recommend approval. With just a few requirements: rough grading of the lots, although lots three through seven do not meet the minimum frontage requirement, and lot five appears to be a few feet short of the minimum depth requirement, all lots are well over the minimum square footage and will have adequate buildable area. The modified side walk cross drain is shown at the northeast corner of the property will require additional clarification and approval with the submittal of the final plat and civil improvement drawings. The applicant will also be required to provide storm water run-off calculations and a proposed method of storm water run-off reduction.

Mr. Wilkinson, recommended approval. He expanded on Mr. Thibault's comments. Under the Subdivision when there is a cul-de-sac, there is a section of code that allows the Planning Commission to approve the layout of the cul-de-sac and have those frontages less than the 60 foot width. One of the drivers of this subdivision layout is maintaining the width on the lots as you enter into the cul-de-sac. This design does meet the Fire Department requirements. These designs are always approved by the Planning Commission. Approval will be deviating from the code for those lots.

Josh Carson, recommended approval, with one comment stating that the fire hydrants are shown for informational purposes only. And that the fire hydrants need to comply with the 2012 IFC appendix B and C, and that will be subject to approval during the Fire Departments site review.

Commissioner David Freistroffer, asked if the only part of this submittal that requires a modification of standards is for lot five, just for the depth not for the frontages. (Yes)

Mr. Wilkinson, answered yes and for the depth, and the standards for the other lots would be modified with the approval of the cul-de-sac.

Commissioner Jeff Dalling, asked the applicant if they could just move the cul-de-sac out three feet and then modifications wouldn't need to be made to the standards.

Mr. Draper, stated that that is something that could be done. The one thing that would do, with the location shown, is give a consistent width for each of the lots. If it was moved out three feet that's going to change the width of the openings of the lots, making them more narrow. Which would in turn change the layout of driveways for the homes in this area.

Commissioner Dalling, asked if they should just ignore the minimum 60 foot width requirement.

Mr. Wilkinson, stated that this is a typical situation. These are large lots, they are more than 6,000 square feet. What really needs to be looked at when developing these lots is, there is a set-back of 15 feet minimum and 20 feet for parking. The City does not approved off-street parking, so when a lot is developed two off-street parking spaces need to be provided. The lot lines beyond the set-backs are well beyond the 60 foot width.

Commissioner Dalling, was curious about another option besides the cul-de-sac. He explained that after you add the driveway there is not much room for anything else.

Mr. Wilkinson, explained that this cul-de-sac is a typical design, and they are routinely used in this neighborhood. When developing subdivisions the layouts need to discourage cut through traffic, and that reduces speeds and makes a more pleasant place to live. Cul-de-sacs play an important role in subdivision layouts. In this case a Cul-de-sac would be the only alternative, because with the depth of the lot, a turnaround for the Fire Department is required.

Commissioner Dalling, asked if there were one less lot, if it would open the joint up.

Mr. Wilkinson, said it's a consideration, we have the proposal before you tonight.

Chairman Martinez, said that Commissioner Dalling has a valid point about bringing the cul-de-sac out two feet. Asked if it could just be pinched of the street tangent. Then lots four, five, and six will grow, seven will manipulate around the radius, and eight and two will shrink slightly, but they are well over the 6,000 square feet. If this was done then they wouldn't have to deviate from the code.

Commissioner Freistroffer, stated that if you start to move that then the triangle shape of the lot narrows at the frontages for the lots in the back of the cul-de-sac.

Chairman Martinez, asked if they weren't already deviating from that code on the frontage requirement anyway, and once you get to the 15 or 20 foot set back requirement its beyond

that 60 feet. We could even adjust it to be different for lot five. He said it seems like to him it would be feasible to adjust the cul-de-sac two feet.

Mr. Draper, said if the Commission wishes to do that, he recommends a recommendation that states that the lot depth should be 100 feet measured from the shortest distance as defined in the code. One thing that he did was took measurements off the PDF. He states that they don't have the actual drawings that show the full dimensions, but he is confident with the measurements that they took. Just in case they made an error with their dimensions, rather than stating move the cul-de-sac two feet, just state that lot five should have a minimum depth of 100 feet.

Sandy Marczak, 2724 Sunnyside, It's still very vague what is going on these lots. Will these lots be sold with a dwelling, or will they be open to be bought?

Mr. Reutner, explained that at this time they are not sure of how they will sell the lots. They have had a couple developers looking at the lots, in which if they bought them they would build them out, or if they don't Mr. Reutner would put them on the market.

Mrs. Marczak, asked if a developer had to buy them or could someone in the area buy one.

Mr. Reutner, stated that that would depend on if a developer bought them all, but there are no set plans at this point in time.

Mrs. Marczak, asked if different types of homes could be built on different lots.

Chairman Martinez, explained that the applicant has the flexibility of operating within the zoning district and all the structures that are encompassed within that.

Mrs. Marczak, asked if they have to have the development done within four years as stated within the Development Department Memo.

Mr. Draper, explained that within four years a final plat would need to be recorded, which will typically include the installation of public improvements, or the public improvements could be bonded for.

Mr. Wilkinson, stated that lots cannot be recorded off of the preliminary plat, which is part of the design phase. He continues to explain the subdivision process.

Mrs. Marczak, asked if there was a better timeline.

Mr. Wilkinson, explained that there are typically no conditions with regard to having a developer perform under a time limit, except under the NRS where they have to meet those time limits for map submittals. Under the final plat the applicant has four years under a performance agreement to install the public improvements.

Mr. Draper, added that if the applicant were to bring a final plat in next month, it still goes off the timing of the preliminary plat. The two years doesn't go into effect until the first final plat in the series of final plats is recorded. The applicant has four years from the approval by the City Council. What the Planning Commission will do today is, they will make a recommendation to the City Council, and this will go to the Council on June 28, 2016. City Council will either accept the Planning Commission's recommendation, or they will modify some of the conditions and remand it back to the Planning Commission or approve it. He explained further that the applicant has one more step with the Preliminary Plat and that once that is done he can submit for the Final Plat.

Mr. Wilkinson, said that there has been quite a bit of comment in regard to the type of housing that could go on this parcel and we have fully developed neighborhood in that area. He thinks that the Planning Commission could consider a condition to apply for a rezone to R1. That would leave the developer options. If for some reason the R1 rezone was not approved the developer could still develop under the R zone. R1 zone would really preserve the neighborhood by requiring only single family dwellings. As long as all the requirements for lot dimensions are being met, and we aren't causing a problem for the applicant, it might be a consideration that would alleviate some of the concerns of the residents. The one impact that would have is, if Mr. Reutner plans on just developing the lots and selling the lots, then the more restrictive zone would be a concern of his. The applicant can appeal any conditions imposed by the Planning Commission to the City Council.

Commissioner Joe Becker, said from hearing the public and seeing as how the neighborhood has been built out as single family dwellings, he is moving towards single family only as an option for this particular development. Keeping with the neighborhood and what has been built in the area, regardless of how it was zoned 50 years ago.

Commissioner Freistroffer, asked Mr. Draper and Mr. Thibault if they were aware of anything other than Single Family in the large area of R and the general vicinity. Also he would like to know if the area requirements or other dimensions of the lots change with R1 zonings compared to R.

Mr. Draper, addressed Commissioner Freistroffer's first question, all of the surrounding area appear to be single family dwellings, based on some information that is available from the Assessor. Addressed Commissioner Freistroffer's second question, both area requirements appear to be the same for the R and R1 zones. Building height will change from 45 feet to 35 feet, he doesn't see that as an issue for single family.

Commissioner Dalling, asked what the width are on the frontage of each lot, he didn't see it on his map.

Mr. Draper, pointed out the widths on the map. He stated that it appears that most of them are 55 feet especially around the cul-de-sac.

Mr. Wilkinson, asked to see the section of the City Code that refers to cul-de-sacs under subdivisions.

Mr. Draper, read Section 3-3-24 A from the City Code. He added that typically, what has been done in the past for the lots with the narrower widths is the front yard set-backs are looked at and made sure that it is 60 feet wide at the front yard set-back. It appears that in this subdivision that is being met. In this case we would use it for the garage, which is 20 feet from the front lot line.

Commissioner Freistroffer, clarified that Commissioner Dalling concerns were about the depth of the lots not the width. That would be why they would need to do a modification.

Commissioner Becker, said that the Code gives the Commission full ability to do that in cul-de-sacs. (Yes)

Commissioner Freistroffer, said or anywhere.

Commissioner Dalling, asked if it needed to be a variance for the depth.

Commissioner Freistroffer, said that it would be a modification.

Mr. Draper, added that it would be a modification of standards, and points out the section in the City Code.

Commissioner Becker, asked if there are conditions of extraordinary topography.

Mr. Draper, stated that there is some unique topography, just looking at the preliminary grading plan there is several feet of fall across the property. That does not lend itself to lot five being short a foot or two, but it is something to consider.

Chairman Martinez, asked if the parcel has been rezoned. (No) Asked the applicant if the parcel was zoned R when he purchased it. (Yes)

Commissioner Dalling, said the three feet isn't a killer on it. And the width, there is a variance for that as well.

Commissioner Martinez, stated that the less modifications of standard the Commission does the less that can be compared to on later projects.

Commissioner Dalling, said he thinks the neighbors would be happier with single family than with duplexes or four-plexes.

Chairman Martinez, said that from a property owner perspective, if he's a property owner, investor and he buys a parcel and its zoned residential, He's under the impression that he has all the latitude rights within the residential zoning district to start to develop that property. They want to limit multifamily and the commission can definitely do that, but he would hate to limit somebody that has a private investment that had the impression that they could develop a parcel a very particular way.



Commissioner Freistroffer, agreed with Chairman Martinez, that this has been zoned R for quite a long time. He thinks it should stay zoned R and not be changed to R1.

Chairman Martinez, brought up that if property boundary research is done and potentially multifamily could be in the vacant lot next door. That could sway your decision.

Commissioner Becker, explained that Planning Commission decisions are meant to grow the city in an orderly fashion, both within the confines of statutes, and to use discretion, as to how the city should be evolved.

Chairman Martinez, stated that if you look at it from that perspective then you would evolve it in the form of the Master Plan. The Master Plan actually targets a multitude of different residential and multifamily mixed within the community to actually be that harmonic route of true redevelopment and smart growth techniques.

Mr. Draper, commented that when we talk about multiple family dwellings, the code defines that in this R zone as a duplex, triplex, or four-plex. Explains that the side set-backs will get larger, and the developer would lose some buildable area. City requires for every individual residence, until you get to a five-plex or larger, two off street parking spots. If duplexes were developed on these lots that means there would have to be four off street parking spaces placed outside of the front and side yard set-backs. Again that takes up a lot of the buildable area.

Chairman Martinez, clarified that the injection of multifamily in every neighborhood is not the recipe.

Commissioner Freistroffer, stated that he is willing to make a motion, striking condition 11 in the Development Department recommendation and replacing it with: lot five measured from the cul-de-sac to the rear of the lot should be 100 feet. All the other recommendations would remain the same.

Commissioner Becker, expressed that he is not in support of allowing multifamily dwellings to be developed on the lots. And that he would prefer the parcel to be rezoned as R1 prior to the preliminary plat being placed.

Commissioner Dalling, asked how long this property has been zoned R.

Mr. Draper, answered that it has been R ever since the City has had zoning.

Commissioner Dalling, said that he doesn't feel that they need to make rezoning the parcel to R1 as a condition of the preliminary plat.

Commissioner Becker, pointed out that there is R1 in the district and it has been previously approved.

Commissioner Dalling, stated that the applicant has brought the application to the Commission for single family dwellings.

Chairman Martinez, reiterated that the property has been zoned Residential since the applicant purchased the property, and staff has brought evidence to the table showing that it would be difficult, with the lot sizes, to develop anything bigger than a duplex on these lots.

Commissioner Dalling, asked Mr. Draper why one section of Arroyo Seco Circle was zoned as R1.

Mr. Draper, explained that he was not employed with The City at the time when that portion was developed, but the applicant probably requested that zone type.

Mr. Wilkinson, stated that that section dates back quite a ways. When that was brought in and annexed into the city, the Planner at the time recommended that zone. Stated that approximately 85% of Elko is zoned R. The zoning of the surrounding neighborhood was considered in the decision, but that was 20 to 25 years ago.

Commissioner Dalling, asked the applicant if he would be ok with rezoning the parcel to R1.

Mr. Reutner, stated that his intent for development is single family dwellings. He doesn't want to go through the process of rezoning the property, because the process has already taken quite a bit of time. They intend to sell \$350,000 homes on the lots.

Mr. Draper, explained that the reason multiple family was brought up was because that's the title of the district that this neighborhood is in. It is The City's Single Family Multifamily Residential District. But the application does not indicate that they will be building duplexes and four-plexes. They did have a Stage 1, for this very property three or four years ago, that was proposing all four-plexes.

Mr. Wilkinson, added that they were actually going to parcel the property, which would require no public notices or approvals, and develop four-plexes.

**\*\* Motion:** Forward a recommendation to City Council to conditionally approve Preliminary Plat No. 4-16 with the list of conditions in the Elko Planning Commission Development Manager Memo dated May 27, 2016. There are seventeen conditions total between Development, Engineering, Fire, and Public Works. Number 11 to be struck and replaced with: Lot 5, at the shortest depth measured from the cul-de-sac to the rear, should be no less than 100 feet.

**Development Department:**

1. The applicant submits an application for Final Plat within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the Preliminary Plat will automatically lapse at that time.
2. The following items need to be addressed prior to approval by the City Council
  - a. Provide a legal description for the property being subdivided.
  - b. Identify location of mail gang boxes within the subdivision

3. A traffic study is not required
4. A soils report is required with Final Plat Submittal
5. A hydrology report is required with the Final Plat Submittal.
6. Final Plat civil improvements are to comply with Chapter 3-3 of City Code
7. Compliance with Chapter 9-8 of City Code is required
8. The utility department will issue an Intent to Serve letter.
9. Grading of the lots shall be completed such that the future homeowner is not responsible for the removal of excess material not associated with the installation of a basement. At a minimum all lot drainage shall flow to the right of way and not across proposed property lines with the exception of the proposed drainage along lots 1-4 on the east boundary of the subdivision. Each lot shall be graded to the front yard setback such that a driveway can be install not to exceed 10%.
10. Add a street light at the end of the cul-de-sac and intersection of Starley Circle and Celtic Way.
11. ~~A modification of standards for lot 5 in accordance with City Code 3-3-70 should be granted by the planning commission, finding that while the lot does not meet the required depth, the lot does exceed the minimum lot area and has a buildable area for a house consistent with the proposed subdivision.~~ Lot 5, at the shortest depth measured from the cul-de-sac to the rear, should be no less than 100 feet.

**Engineering Department:**

1. Rough Grading of the lots is required.
2. Although lots 3 through 7 do not meet the minimum frontage requirement, and lot 5 appears to be a few feet short of the minimum depth requirement, all lots are well over the minimum square footage, and will have adequate buildable area.
3. The modified sidewalk cross-drain will require additional clarification and approval with the submittal of the final plat and civil improvement drawings.
4. Provide storm water runoff calculations and proposed method of runoff reduction.

**Fire Department:**

1. Fire hydrants shown for information only. Fire hydrants shall comply with the 2012 International Fire Code Appendix B/C and are subject to approval during site review.

**Public Works Department:**

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

Commissioner Freistroffer's findings are that Preliminary Plat No. 4-16 is in accordance with the City of Elko Master Plan Land Use and Transportation Component, City of Elko Wellhead Protection Plan, City of Elko Zoning Section 3-2-3, 3-2-4, 3-2-5(e), 3-2-5(g), 3-2-17, and 3-3.

**Moved by David Freistroffer, Seconded by Jose Negrete.**

**\*\*\* *The motion passed unanimously. (7-0)***

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

1. Review and consideration of Temporary Use Permit No. 2-16, filed by KLO Global, LLC, for the temporary use of an existing apartment unit as an office located within a C (Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the North East end of Sundance Dr. (APN 001-01A-021) within the Rabbit Brush Run Apartment Complex in Building P.

Ferron Konakis, representing the owners, explained that the reason for the Temporary Use Permit is that, the owners do have plans to build a community building on the property, but there are some financial issues that are currently being worked out. The plan is to build it within the next year, but they need to continue to run the office out of one of the ground floor units until everything gets squared away to start on the community building.

Mr. Draper, gave an overview of the City Planner's Memo dated June 7, 2016. Recommend approval as submitted with the conditions listed in the Planner's Memo.

Mr. Thibault, recommend approval with one condition: that the parking stall, with crosswalk striping, be painted as an access isle and have the handicap access isle sign as shown in City Detail T2.2.

Mr. Carson, recommend approval.

Mr. Wilkinson, read the City Manager's comment, "I reluctantly concur with staff's recommendation to approve the TUP. KLO Global, LLC has not been responsive to fulfill previous commitments to construct the community building." Mr. Wilkinson believed as the Commission moves forward they should confirm with the applicant that they will be able to meet some pretty strict deadlines that staff has requested.

Commissioner Becker, asked what the consequence would be if the time deadlines weren't met.

Mr. Draper, stated that the applicant also has a Conditional Use Permit that is enforceable. That Conditional Use Permit could be brought back to the Planning Commission for review. If the conditions of that CUP are not being satisfied, the CUP could be revoked.

Commissioner Becker, said that he thought that would be a fair thing to do in the near future.

Commissioner Freistroffer, asked the applicant representative if his client is willing to go along with the tight timeline set forward.

Mr. Konakis, said that they will accept whatever conditions that are imposed, and that everything should be able to be taken care of this summer.

Mr. Wilkinson, stated that if the applicant already had the plans ready then the City should be able to meet a three month timeline for a building permit, but if they were going to submit new plans three months would be very tight to obtain the building permit.

Commissioner Becker, asked if the applicant was going to redesign the building, or resubmit the previously approved plans.

Mr. Konakis, stated that they have civil and building plans already put together from the previous approval. And asked if the codes have changed.

Mr. Carson, informed the applicant that the codes remain the same today as they were on the original submittal.

Mr. Konakis, asked if they would have to make any code changes. (No)

Commissioner Becker, asked the applicant if they could comply with the commenced work within 60 days.

Mr. Konakis, explained that they will do everything they can to get started in that timeframe. He also stated that the owners have a meeting about the building on Friday, and if everything goes well then it could begin right away, but there are still some issues that could slow the process down.

Commissioner Dalling, asked since the plans have been previously approved if they will have to be sent out for outside review, or if it done by a rubber stamp.

Mr. Draper, explained that the City doesn't rubber stamp anything.

Commissioner Dalling, asked if it's been approved why it can't just be reapproved.

Mr. Draper, said because that approval has expired. He also explained that they can't just take the approved set of plans. The applicant will have to submit a whole new set of plans. They will have to put new stamps on them and review them again. As long as no changes have been made the plans should go through fairly quick.

Commissioner Dalling, asked what fairly quick means.

Mr. Draper, said four to six weeks if the plans were turned in tomorrow.

Mr. Konakis, stated that it would be at least 30 days before they were ready to submit plans. The stamps just need to be updated and make sure nothing has changed.

Mr. Wilkinson, said that the Planning Department condition number three should be four months. He thought that they should probably do that just so we give the applicant time to work through their financing, get the submittal in, and give us time to review the plans and turn it around. He also pointed out that they were asking for a year on their application and City Staff is recommending 8 months.

Mr. Draper, asked if condition 3 could be changed to state that the Applicant shall submit for a building permit within two or three months, instead of obtaining a building permit.

Mr. Wilkinson, thought that Ms. Laughlin wanted the applicant to pull the permit, rather than let it expire.

Commissioner Dalling, asked if it was mandatory at the time the apartment complex was being built for a community center to be built as well.

Mr. Draper, explained that when the Conditional Use Permit was submitted for this apartment complex the community center was identified on the plans. It was one of the Planning Commission's conditions that the community center be constructed as it was submitted with the site plan.

Commissioner Becker, said that this a group that the City has worked with in the past and now the working relationship isn't working so well. He would like to see another conditions that states that if anything on the timeline slips that the CUP be reviewed by the Commission at the next available Planning Commission meeting.

Mr. Wilkinson, said that the applicant did request one year to occupy the apartment for the rental office. He said that they felt that they needed to get in there and get the building constructed this construction season and be able to occupy it within eight months. This was aggressive but reasonable considering the circumstances.

Commissioner Dalling, asked if they could simply put that the CUP would be reviewed in 8 months.

Mr. Wilkinson, explains that there is a proposed condition from the Development Department that states that if they are under construction an extension could be granted. So, if the applicant needed more time just to wrap it up and get the Certificate of Occupancy the City could do that administratively. It would not be brought back to the Planning Commission, but that could not be extended longer than an additional 4 months, or one complete year.

Commissioner Freistroffer, asked Commissioner Becker if he wanted to add a condition that the Planning Commission will review the CUP if this isn't completed within one year.

Commissioner Becker, stated that if City Staff feels that any particular checkpoint listed in these conditions is not fulfilled then the CUP will be brought back to the Planning Commission for full review on the next Planning Commission Meeting date.

Chairman Martinez, asked for clarification on the timeframe.

Jeremy, clarified that one year was listed on the application, but staff recommended eight months. Just for a time frame for the TUP to be in effect. He also said that if they are actively making progress, and getting inspections done on the community center, then the TUP could be extended administratively.

Chairman Martinez, stated that they are getting 12 months from today.

Jeremy, clarified that the four months is within the eight month time period. The TUP would be effective for the next eight months, and in that time frame there are additional timeframes. The applicant within the next three to four months has to obtain the building permit, and then within 90 days of the permit being issued they have to start construction. He explained that at this point they would be at seven months of their eight month time period.

Chairman Martinez, said and then the TUP would be up one month later.

Mr. Draper, said correct that would be where condition four under the Development Department comes in to play. Because if they are actively constructing then the TUP could be extended.

Chairman Martinez, asked if it would only be extended for another four more months or for however long staff feels.

Mr. Draper, said that the condition only says that they may request an extension.

Mr. Wilkinson, brought up that the applicant only requested one year. The expectation is that they would be able to meet that, but there's enough latitude in condition four that if they needed it for 14 months, the city could work with them, as long as they are making progress.

Commissioner Dalling, presented that they leave it at three months, that seems fair, and it gives them another 90 days to start construction.

Mr. Wilkinson, pointed out that if you look at the timing of the seasons, three months is about right. They need to break ground sooner rather than later so that they can actually accomplish this.

Mr. Konakis, agreed that it was a tight schedule and stated that it depended on the meeting on Friday how fast plans could be submitted.

Mr. Wilkinson, asked that Mr. Konakis provide him with an update after their meeting on Friday.

Chairman Martinez, said that he was up for giving them an extra month.

**Motion:** Conditionally approve Temporary Use Permit No. 2-16. There are 10 conditions as stated in the June 7, 2016 City of Elko Staff Report. With a modification to Planning Department number three that the final sentence read building within four months from the date of this approval. And the additional condition that I would like to place upon this is that:

If any point City Staff feels that the time check points, listed in these conditions, are not being met by the applicant. That the CUP be brought to the Planning Commission on the next available meeting for review.

Commissioner Becker's findings are that the Temporary Use Permit is in conformance with the City of Elko Master Plan Land Use and Transportation Component, City of Elko Zoning Section 3-2-3(C) 5, 3-2-17, and 3-2-10(B).

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

*\*\* Motion passed unanimously. (7-0)*

2. Review and consideration of Final Plat No. 5-16, filed by The Capps Group, Inc. on behalf of Parrado Partners LP et al., for the subdivision entitled Great Basin Estates Phase 1A involving the proposed division of approximately 3.8 acres of property into 12 lots 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 north of Clarkson Drive approximately 725 feet east of 12<sup>th</sup> Street (APNs 001-630-062, 001-630-064, & 001-630-067).

Mr. Draper, explained that this is a 12 lot subdivision. This is referred to as Phase 1A. He went over the Development Department Memo. He recommends that the applicant complete all required subdivision improvements within two years. Approval of the Final Plat shall expire if within two years the applicant has not completed the required subdivision improvements. The applicant may request an extension. He continued to go over the memo.

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



**Motion:** Forward a recommendation to City Council to conditionally approve Final Plat No. 5-16 with the conditions found in the City of Elko Development Department Memo dated May 27, 2016. There are 9 conditions listed.

Commissioner Negrete's findings are that the final plat conforms to the City of Elko Master Plan Land Use Component and Transportation Component, City of Elko Redevelopment Plan, City of Elko Wellhead Protection Plan, City of Elko Zoning Section 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), 3-8, 3-2-17, and Chapter 3 Subdivisions.

**Moved by** Jose Negrete, **Seconded by** David Freistroffer.

*\*\*Motion passed unanimously. (7-0)*

3. Review and consideration of Temporary Use Permit No. 3-16, filed by Lori Ayala, on behalf of Silver River Properties, LLC, for the temporary use of a mobile MRI unit located within a C (Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the East side of Mountain City Hwy approximately 145' from Cedar St. (APN 001-131-009) Within A+ Urgent Care at 976 Mountain City Hwy.

Mr. Draper, stated that City staff does recommend approval of this Temporary Use Permit. Staff feels that this temporary use permit would help to diversify some of our local economy, by bringing in a Mobile MRI Machine that will provide for additional medical services. The applicant did request a four year time frame. He recited conditions from the City of Elko Staff Memo.

Mr. Thibault and Mr. Carson, recommend approval.

Mr. Wilkinson, read the City Managers comment, recommending approval per staff conditions, assuming NDOT does not require a traffic study or analysis. He stated that the answer to that would be no.

Mr. Thibault, concurred.

Commissioner Becker, asked what the longest timeframe that they could approve a TUP for.

Mr. Draper, stated that they have worked with the School District before for five years.

Commissioner Negrete, asked the fire department if it appeared tight.

Mr. Carson, agreed that it does appear to be tight, but the minimum required width is only 20 feet, which they do meet.

Commissioner Negrete, asked how much parking was going to be removed.

Mr. Draper, answered that prior to the temporary use permit they actually reviewed a set of building plans for the modification of the building to house the MRI Machine. The parking analysis was looked at and it does meet the requirement of the newly adopted code.

Chairman Martinez, wanted to know what the structure looks like.

Mr. Draper, said that it would be a semi-trailer that will be connected to the building.

Chairman Martinez, asked why the applicant doesn't want to move into a permanent structure.

Mr. Draper, explained that the machine is expensive, and it was cheaper for them to have a long term lease on the trailer. The other reasons that he has heard, it that they are looking to expand this clinic. They are looking to purchase some properties that surround the clinic and do an expansion. Long term they have planned on moving an MRI machine inside once they have the capitol in place to purchase one.

Commissioner Negrete, stated that it is common practice for medical facilities to get these trailers because it is cheaper to lease.

Chairman Martinez, stated that in this location it would work, but it doesn't sound like something they would approve across the city.

Mr. Draper, said that at least they came to us and asked for a temporary use permit that is a step in the right direction. We have had other medical facilities bring these trailers in without coming to the City. He felt that they would dress it up so it would still look nice. They will have to do some sort of pad.

Commissioner Freistroffer, said that it will have to be vibration free, so there will have to be a pad of some sort.

Chairman Martinez, asked why how the trailer looks wasn't brought to the Commissioners. He stated that he would prefer additional information before a decision is made.

Commissioner Becker, asked if was in the Commission's purview to ask for skirting and things like that to make it more appealing.

Commissioner Negrete, disagreed and said that you could dress it up however you want, it is still going to be a trailer.

Chairman Martinez, stated that there is a big difference between an exposed trailer and a trailer with some skirting. He also said that he would look to be tabling the item and asking for additional information from the applicant.

Commissioner Becker, asked why four years. Would two years be adequate?

Mr. Wilkinson, stated that they did three years on the TUP for FedEx. He said that was what they felt they needed to evaluate their potential for business development, and they also did a lot of public improvement. It may take the applicant time to evaluate the business potential and take advantage of that, where they can make things permanent. The applicant is probably limited on what they can do to the trailer if they are leasing it.

Mr. Draper, read an email from the applicant to Mrs. Laughlin. It stated that HDI owns the mobile MRI unit, they will need at least two years to build their clientele, and they will need another two years to purchase the site, design the building, and then have it built. That explains the reason for the four year time frame.

Chairman Martinez, stated that the Commission is in support of that, if the applicant could submit some additional information on the exterior and what it is going to look like.

Commissioner Becker, asked Mr. Carson if the turn shown on the map was sufficient for the Fire Department.

Mr. Carson, answered that on the submitted documents and auto turn dial was provided and the Fire Department could navigate the turn.

Commissioner Freistroffer, asked if they wanted a motion concerning the length of time and need more design information from the applicant.

Mr. Wilkinson, pointed out that the justification for the time frame was just discussed.

Chairman Martinez, stated that they aren't concerned with the timeframe, and that they just needed to request some additional information on what the trailer is going to look like and how it's going to be secured.

Commissioner Becker, read from the plans that there will be an exclusion zone of five feet by five feet located directly below the magnetic vent. It shall be fenced off to prevent injury.

Chairman Martinez, said if we could get some elevations, and the applicant to finish out their plan set.

**Motion:** Table Temporary Use Permit No. 3-16 to the July 5, 2016 Planning Commission Meeting. The Planning Commission would like to see elevations for the trailer, because we are concerned about the design, the security, the utilities, etc.

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

*\*\*\*The Motion Passes. (6-1)*

## **II. REPORTS**

### A. Summary of City Council Actions.

Mr. Draper, said that we had the first and second reading of 5-3-17, which is the Animals and Fowl Ordinance change. It is in Chapter 5, which doesn't really have anything to do with Planning, but the code talks a little bit about land uses. That is why it didn't come to Planning Commission and went straight to City Council. That Ordinance just cleaned up the allowable areas for different types of animals. Also City Council approved Final Plat 2-16 Golden Hills Unit 2 Phase 2, the applicant has started to turn in plans for homes out there. The Public Hearing was set for a Public Auction on June 14, 2016 for the sale of land on W. Main St. The Preliminary Plat for Great Basin Estates was also approved, and the Final Plat for that subdivision will go on the June 14, 2016 Meeting. They also approved the sale of 2,048 sq. ft. of City owned property to Gary and Lenora Digrazia, it was determined in the best interest of the City to sell that property as a remnant without offering the property for sale to the public.

### B. Summary of Redevelopment Agency Actions.

C.

### D. Professional articles, publications, etc.

#### 1. Zoning Bulletin

### E. Preliminary agendas for Planning Commission meetings.

### F. Elko County Agendas and Minutes.

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

### H. Staff.

## **COMMENTS BY THE GENERAL PUBLIC**

## **ADJOURNMENT**

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Aaron Martinez, Chairman

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Jose Negrete, Secretary