

CITY OF ELKO
PLANNING COMMISSION
SPECIAL MEETING MINUTES
6:30 P.M., P.D.S.T., WEDNESDAY, JULY 13, 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 6:30 p.m.

ROLL CALL

Present: Aaron Martinez,
David Freistroffer,
Tera Hooiman,
John Anderson,
Jeff Dalling (6:34 p.m.)

Excused: Jose Negrete

City Staff: Scott Wilkinson, Assistant City Manager;
Cathy Laughlin, City Planner;
Bob Thibault, Civil Engineer;
Jeremy Draper, Development Manager;
Shelby Knopp, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

June 7, 2016 – Regular meeting **FOR POSSIBLE ACTION**

***** Motion: Approve Meeting Minutes as presented from June 7, 2016. Moved by David Freistroffer, Seconded by Tera Hooiman. The motion passed unanimously.**

I. UNFINISHED BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. 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.

Cathy Laughlin, City Planner, explained that this item was tabled at the previous meeting with regards to time frame and appearance. She personally wasn't present at that meeting. She has reviewed the minutes of the meeting and is aware of what the concerns are. Staff does feel that this temporary use permit is a positive aspect of our community for Elko. We do feel that this mobile MRI unit will help diversify the economy and help provide some medical services that are well needed within this community. There were some questions in regards to the length of term that was applied for at the last meeting. Some of the other temporary use permits that were approved in the past are: Boys and Girls Club for five years with an extension for several additional years, Wireless Beehive for five years, several for Elko County School District, several for Elko Juvenile Center for 2 years with 3 year extensions, and one on Union Pacific Way for 3 years. The question that was addressed at last month's meeting about the normal 1 year time period for Temporary Use Permits, we wanted to show that we have done longer temporary use permits in the past. Staff does recommend approval for a period of 4 years. With the four conditions listed in the City of Elko Staff report dated June 7, 2016. As far as the appearance of the trailer there are some photos shown here that shows what the outside and inside look like. It is accessed from within the building.

Commissioner Jeff Dalling, asked if Ms. Laughlin had found any Temporary Use Permits that were not approved that asked for a longer period than 1 year?

Ms. Laughlin, said that she did not find any.

Steve Mimms, 976 Mountain City Hwy, Administrator for Tahoe Carson Radiology. He explained that Tahoe Carson Radiology is a group of 12 Radiologists that have been in business for well over 40 years in the state of Nevada. They mainly service Carson City, where the business was established, but they also service a lot of rural areas throughout Nevada. They service Yerington, Battle Mountain, and Hawthorne. They have made the rural communities a large part of their business and have committed to them. They have found a huge need for imaging services here in Elko. A lot of people are leaving the community to find affordable health care. They are excited about coming into this community and they have been welcomed with open arms. Their costs are competitive with Reno, Salt Lake, and the surrounding area. If

they were to charge high prices like the other facilities in town they would probably not need a four year term. It is expensive to establish and run an imaging center. It is not a business where you can recoup the costs in 1 year. He could not continue with this project with risk of just a one year term. This particular MR has the highest profit margin of any of the imaging services they provide. This is the way they had to establish it in the beginning, to have it in a mobile unit. Their plan is within 3-5 years they would be able to make a decision to upgrade the MRI. He would not consider replacing this machine before 3 years. The typical tenant improvement cost, construction only, is \$500,000 probably more within the \$600,000 to \$650,000 range. He strongly requests they be granted at least a 4 year permit.

Lori Ayala, Owner A+ Urgent Care, stated that they opened the clinic two years ago and have done a lot of work to make the building look nice, a lot of landscaping. They keep it up very nicely. As soon as this project is done they plan on sealing and restriping the parking lot to make it look nicer. Local physicians and patients are excited for the unit. She asked for the full amount of time that they could get for a Temporary Use Permit, so that Steve has time to either build within her clinic or build a building somewhere else.

Jeremy Draper, said Development Department recommends approval for a period of 4 years, with the four conditions listed in the Staff Memo dated June 7, 2016.

Bob Thibault, recommend approval.

Scott Wilkinson, recommend approval. City Manager had one comment assuming that NDOT doesn't require a traffic study, which they don't. He wanted to reinforce the testimony that they have heard so far. This is not a construction trailer that is being pulled in for a temporary sales office, this is a very expensive piece of equipment. He would concur and agree with all the testimony heard tonight in support of a four year time frame.

Chairman Aaron Martinez, explained that the Commission is required to make a decision based on the items that are put in front of them today, or at that time. With the original application they were asked to make a decision on a four year item, on an object that they had no idea what it looked like. They were concerned about skirting and things like that. His opinion was that they did not have enough information to make that decision. They understand the need for this community to have decent health care and they are strong proponents of that. He asked the applicant if the trailer shown in the photo was the exact trailer that was going to be on the property. (Yes)

Commissioner Jeff Dalling, asked what the parking recommendations were.

Mr. Draper, explained that when the building plans were reviewed for this project the site met parking requirements per City Code.

Chairman Martinez, asked Mr. Draper if the Fire Department has the ability to inspect the structure when it comes in, and what the procedure would be for this particular type of project.

Mr. Draper, explained that it would be like any other structure that comes in. Since it has electrical, that will be inspected on the unit.

Chairman Martinez, asked if the Building Department would have the jurisdiction to look at the structure if it falls under Manufactured Housing.

Mr. Draper, said that he doesn't know if the unit would fall under Manufactured Housing. Since it does tie to the building utilities that is where the inspections would be limited to.

Chairman Martinez, asked if there will be sewer and water in the structure.

Mr. Draper, answered no, not into the trailer. It is abutting to the building so that's where most of the inspections will be. Everything that's in that building has been reviewed at this time, and is in conformance with codes.

Commissioner Tera Hooiman, asked if there is one entrance and exit.

Steve Mimms, explained that there are two entrances. There is a lift for wheelchairs and then there are some stairs for a door. Those will actually be inside the building.

Chairman Hooiman, asked if there was a connector piece from the building to the trailer. (Yes)

Commissioner Dalling, pointed out that he thinks this is a great thing and it is good for everybody, but his concern is that he doesn't want to lean on the fact that previous Commissions ratified everything. He doesn't believe that just because everything else has been approved for five years so this project will be too.

Chairman Martinez, said that he understands what Commissioner Dalling is saying, and that they, as a Commission, establish precedence at every meeting.

Mr. Wilkinson, said every time they have looked at some of these longer term temporary uses all the circumstances and types of use have been considered. Fedex wanted to come in and test the market. They spent hundreds of thousands of dollars on public improvements that they did on East Idaho Street in order to establish a temporary use. We gave them additional time to evaluate the market because they were faced with that type of development cost. We take into account all of those things and in the end they came in before their time was up and decided that they were going to move forward with a permanent building. The Wireless one was also faced with substantial improvements on a corner lot of Manzanita. We thought if they were willing to invest in the community and they needed some additional time to establish a market viability that seemed reasonable. We've taken into account each and every time, when we present to the Planning Commission, the unique circumstances for each and every application. We don't just routinely do that, we have had a lot of other temporary uses that are on the order of a year or two. He didn't think that they would be setting a precedence for time.

Commissioner Freistroffer, added that it makes this easy to vote for that this is such a big expenditure by this company for the community. And if they are setting a precedence, it is that it

must be for something that is prohibitably expensive right off the bat. That was taken into consideration in this case.

Chairman Martinez, said that a better precedence is the unique situation of the health care industry in Elko particularly. The Commission should be pro-business and pro-growth. This project does do that. He didn't feel as if they were trying to give any unfair advantage.

Commissioner Freistroffer, agreed with Chairman Martinez.

***** Motion:** Conditionally Approve Temporary Use Permit 3-16 with the four conditions listed in the City of Elko Staff Report dated June 7, 2016 listed as follows:

1. The proposed use meets the requirements of city code 3-2-3-C-5
2. The use is permitted for a period of 4 years
3. The temporary use applies to APN 001-131-009
4. The applicant shall maintain fire access around the MRI trailer.

Commissioner Freistroffer's findings are that the temporary use permit is in conformance with the City of Elko Master Plan Land and Transportation Use Component, City of Elko Zoning Section 3-2-3 (c) 5, 3-2-17, and 3-8.

Moved by David Freistroffer, Seconded by Jeff Dalling.

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

II. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review and consideration of Final Plat No. 6-16, filed by Copper Trails, LLC, for the subdivision entitled Copper Trails Phase 2 involving the proposed division of approximately 2.05 acres of property into 21 lots for residential development within an R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally north of Copper Street approximately 850 feet east of N. 5th Street. (APNs 001-61J-006 & 001-61J-007).

Ms. Laughlin, explained that the preliminary plat and final plat for phase 1 has already been approved. In the original preliminary plat they had shown the rest of the lots as three more units. Instead of doing it in three additional units they are going to do it in one. The only difference between the preliminary plat and this final plat, which we feel is an improvement, was they previously had one additional lot on the south side of Copper Trails and they had a variety of lot widths. They have made these lots more consistent with all the lot widths being 50ft, by doing

that they have eliminated one lot. The rest of the application is all consistent with the requirement for a final plat submittal.

Mr. Draper, said that in the memo one of the things that was mentioned was the intersection of Dakota and Copper Trails. What we tend to see over the years, is that it helps future development out with these intersections if they are fully developed. We would like to the intersection fully developed. Improvements on Dakota should have been done by Monte Carlo, but they are not completed. There is no pavement, or curb, gutter, and sidewalk in that area. Dakota Street will become part of the connection for this subdivision, so the City would request that the developers provide for at least 30 feet of pavement as offsite improvements connecting their subdivision with the existing improvements on Dakota Street. He wanted to make sure the Commission was aware of those two conditions.

Commissioner Freistroffer, asked if it would be the full side of the lot that will need to be paved.

Mr. Draper, clarified that it would be 30 feet wide for about 200 feet long.

Mr. Wilkinson, asked for clarification on whether he would be looking for just pavement on Dakota and no curb, gutter, and sidewalk.

Mr. Draper, said that it would be similar to what they did for Great Basin Estates.

Mr. Wilkinson, asked if that would be curb and gutter in addition to paving.

Mr. Draper, wasn't sure whether that was the case.

Mr. Wilkinson, stated that Mr. Draper would need to clarify that.

Commissioner Dalling, asked what it would cost the developer to do the paving.

Mr. Wilkinson, said that on Great Basin Estates the Developer owned the frontage where they did the curb and gutter.

Mr. Draper, agreed with Mr. Wilkinson. He also said that he would leave it up to Council on whether they wanted curb and gutter on one side. Definitely the 30 feet of pavement, but the curb and gutter would be nice on the one side. He recommended the east side.

Chairman Martinez, asked if would be adjoining to the Monte Carlo Private property. (Yes)
Also asked if they would be requesting a developer to further improve someone else's frontage that should have been done when they developed the property. (Correct)

Commissioner Dalling, asked if they were requiring 30 feet by 200 feet of pavement. (Yes)

Commissioner Freistroffer, asked if that was the type of decision that the City Council makes and how much of that is what the Planning Commission decides.

Mr. Draper, said that Planning Commission makes the recommendations.

Mr. Wilkinson, said that another consideration is that if you look at the street there is only one paved access. On other occasions they have allowed a graveled secondary access, but typically they don't get maintained over time. If there is no pavement through there, there won't be a true secondary access for emergencies. These are conditions recommended by staff to the Planning Commission. If the developer has time to give it some consideration, they can then discuss it with the Planning Commission and/or the City Council. They do show basing that road on their civil improvement.

Commissioner Freistroffer asked if it would be curb, gutter, and sidewalk on the east side.

Mr. Draper, said he would just do curb and gutter on the east side to help perpetuate the drainage, and also 30 feet of pavement. It would be roughly around \$40,000. Price is not something that they consider when making these recommendations.

Chairman Martinez, asked if they have a Master Plan for this subdivision.

Mr. Draper, explained that they do have a Master Plan, but it has not yet been presented to the Planning Commission. It does include development of further lots. It is between 180 and 200 total lots.

Chairman Martinez, said he would like to see what the final picture would be.

Mr. Wilkinson, said that the civil plans that they have, show Copper Trails extending. Staff has had several meetings where they looked at the entire layout.

Chairman Martinez, said he is just trying to understand what the big picture is and why they would want to embark on going down Dakota. They aren't really obtaining much by doing that, according to this layout. He asked if Copper Trails is going to perpetuate through.

Mr. Draper, answered that Copper Trails will perpetuate through, and also the length of Copper Trails exceeds the length required for cul-de-sacs. He puts up entire subdivision map on the projector.

Commissioner Dalling, asked if the entire area would be part of the Copper Trails Subdivision.

Mr. Draper, answered yes, that they developers own the entire parcel.

Chairman Martinez, stated that the portion of pavement that would be required by the Monte Carlo Apartments is someone else's development burden.

Mr. Wilkinson pointed out that if you look at the Monte Carlo lots you can see where they were intending to develop more buildings. He wasn't sure what happened where they couldn't finish their project. They had some interest in finishing those about 6 years ago. They had some

investors that were looking at it during the housing crisis, but it never went anywhere. The concern now is a based secondary access adequate over time.

Chairman Martinez, asked if the City of Elko's perspective is that Dakota Drive must be connected to. He also asked if the right-of-way had been dedicated yet.

Mr. Draper, answered that it is a dedicated street, and a secondary access into the subdivision does need to be provided. Without Dakota Drive you are limited to Copper Street for access.

Mr. Thibault, recommend approval. He did have a few conditions, some pertaining to the civil improvement plans, and some pertaining to the plat itself. He would like to see a valley gutter across the intersection of Dakota and Copper Trails and an ADA ramp should be shown at the intersection, including one on the northeasterly side of Copper Trail. Sewer and water line should extend up Dakota Street at least 10 feet passed the property line and then to the other properties, so that when the other properties develop they would be required to connect that water line and complete the loop and the sewer would be available for connectivity. Another thing he would like to see on the plat is an easement for the mailboxes. The way they showed the mailboxes on the civil plans, they aren't within an easement, so an additional easement may be needed. A comment that didn't make into the memo, was that the street monuments are shown on the plat as already having been set as part of the phase 1 plat. That was something that the previous surveyor showed but the street never got built. Copper Trail got dedicated, but did not get physically built. Mr. Thibault did not believe that the monuments ever got set and if they did they would have been destroyed by construction. They need to be shown as to be set with this plat by the surveyor.

Mr. Wilkinson, recommend approval as presented by staff.

Mr. Draper, reminded the Planning Commission that they had a memo from the Fire Department in their packet.

Lisa Kerner, 207 Brookwood Drive, Project Manager for Northern Nevada Homes. She said she would have to speak with the owner about the extension, and she doesn't know how that works when it is not their land. The owner is out of the country, but he will be back this weekend. She was there when the monuments were set on phase 1, but the surveyor passed away. There was one monument where Copper St comes down and another one further into phase 1.

Mr. Thibault, said that those were the couple that were on the part of the street that was built, but the plat showed that it was dedicated all the way to Dakota. The plat showed that there were monuments all the way through to Dakota. If any of those were set they would have been knocked out by construction, so they will need to be reset.

Chairman Martinez, explained that tonight the Commission would approve, deny, or modify the conditions that the City of Elko have discussed tonight. He said that it sounded like Ms. Kerner would need to discuss that with her client prior to knowing if she would be comfortable with the listed conditions.

Ms. Kerner, said she doesn't know how they would build on someone else's property, so she would have to take that up with the owner.

Commissioner Dalling asked Mr. Draper if it is a standard practice to stub into the next guys property.

Mr. Draper explained that they try to make sure the full frontage is completed. There are instances throughout Elko where that hasn't happened, such as Dakota Street, Opal Drive, and Ruby View Estates. It's something where if there are missing improvements off-site, they can make those a condition of the development of the subdivision. It is something that they need to look at, not only for traffic use, but also from a safety standpoint as well for the Fire Department and emergency access. Once it gets over a certain number of residence that secondary access will need to be provided.

Mr. Wilkinson, said just for clarification, the improvements would be on a dedicated right-of-way, not on someone else's property.

Chairman Martinez explained to Ms. Kerner that any decision made tonight could be petitioned and discussed with City Council. (OK)

Commissioner Freistroffer, said that when it's time to make a motion he would like it to contain the recommendation to pave the length of Dakota and curb and gutter on the east side, and the modification to set the street monuments with this plat. He also said that he thinks it's important to have the pavement there for a secondary access.

Chairman Martinez asked if the original discussion with the applicant included curb, gutter, and sidewalk.

Mr. Draper said that it hasn't been discussed with the applicant yet. When it was put in the memo curb and gutter was not included. It probably is something that they should really consider, as they see a stronger emphasis on storm water control.

Mr. Wilkinson wanted to make the applicant aware that she can request the item be tabled to the next meeting.

Chairman Martinez asked if the notice requirements would be met for the next meeting.

Ms. Laughlin said that Final Plats are not required to be public noticed.

Mr. Draper said that they could issue a grading permit.

Ms. Kerner asked the Commission to table the item.

Commissioner Dalling asked that the applicant receive a list of the recommendations.

***** Motion:** Table Final Plat No. 6-16 to the August 2, 2016 Planning Commission Meeting. **Moved by** David Freistroffer, **Seconded by** Jeff Dalling.

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

III. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that on June 14th , at the City Council Meeting Shelby Knopp was introduced, Final Plat for Great Basin Estates Phase 1a was approved, and Rezone 1-16 filed by Joshua Tree Shelter was tabled after discussion regarding the rezone would be classified as spot zoning in reverse. We did get legal opinion on it, and it was not considered spot zoning. There is other PQP in the area. We had the 4th public hearing for that rezone last night at City Council and it was approved.

Chairman Martinez asked if the requirement for frontage improvement for that project was waived.

Ms. Laughlin explained that they received a waiver for the 12th Street side, but not for Sharps Access. They will have to provide pedestrian access for Sharps Access.

Chairman Martinez asked if they would have to provide pedestrian access all the way up Sharps Access.

Ms. Laughlin said a request was made for a piece of property on W. Main Street. It went to Public Auction. There were two individuals that were bidding on the property. The bids started at the appraised value of \$60,000 and sold for \$99,000. There was also Deed of Dedication for a portion of Tamarack Road, from the property owner to the City. The City will be responsible for paving that, possibly this coming year. On June 28th, there was a Map of Reversion to Acreage for a property that is located between Dotta and Sewell. The property owner was combining three lots to build an accessory structure. The parcels were only of value to the property owner. Staff recommended the elimination of the interior property lines. This was approved. City Council did accept the resignation of Joe Becker and authorized staff to start the recruitment process. That recruitment process does finish up this Friday, as of today we have no Letters of Interest. If we do not receive any by Friday, then we will continue to advertise until we do get Letters of Interest. Preliminary Plat 4-16 for Aspen heights Subdivision was approved. City Council did remove condition 11, that Planning Commission added, that stated that lot 5 needed to be at least 100ft in depth. They felt that 96.2 Feet was fine. At last night's City Council Meeting Joe was presented with a Plaque of Appreciation, he was not able to attend. Aaron Martinez and Tera Hooiman were reappointed for another 4 year term. There was another petition for a property sale, staff's recommendation was to deny the petition. It is in the Redevelopment District and we felt that the proposed use of that was not in the best interest of that property and City Council went with staff's recommendation.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there will be a RAC meeting on July 28th. There are two agenda items. One being the presentation of Phase 1 of the corridor plan. The other one is a possible storefront improvement program that the RAC and RDA would establish in house, not as a grant program. Then there will be an RDA meeting in August to follow up on the RAC.

C. Professional articles, publications, etc.

1. Zoning Bulletin

No report at this time

D. Preliminary agendas for Planning Commission meetings.

Ms. Laughlin reported that staff will be bringing the 5th street corridor design of a zoning district to the next meeting. We have had several meetings with legal counsel, we've looked at it in all different aspects, and we will be bringing that to Planning Commission next month for some decisions. Also we will be asking you to amend the City Code in regard to the industrial commercial zone. Also will have the Uribe rezone and the rezone for Robert Nielsen.

E. Elko County Agendas and Minutes.

Ms. Laughlin explained that the Elko County Planning Commission is having a meeting at the end of this month. They have a conditional use permit requested for residence on Royal Crest Drive for a secondary residence. The County considers this an invalid residence and they have special requirements if you put a second residence on a property.

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

Commissioner Dalling, asked if they could change the meeting to 5:30 p.m.?

Ms. Laughlin said that she looked in the zoning code and it doesn't state anything on a specific time.

Mr. Wilkinson said that staff will look into it some more and maybe 6 p.m. would be an appropriate compromise, until they can verify if 5:30 p.m. would work.

Commissioner Dalling, asked the other Commissioners thoughts on the change.

Commissioner Freistroffer answered that his classes go till 7 p.m., so he would have to leave early once a month. So if it was an earlier meeting it would be more difficult for him to make it.

Chairman Martinez suggested twice a month meetings.

G. Staff.

No report at this time

COMMENTS BY THE GENERAL PUBLIC

There were no public comments at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Aaron Martinez, Chairman

Jose Negrete, Secretary