

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.D.S.T., TUESDAY, AUGUST 2, 2016
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

David Freistroffer, Vice Chairman, called the Elko Planning Commission meeting to order at 6:30p.m.

ROLL CALL

Present: David Freistroffer,
Jose Negrete,
John Anderson,
Tera Hooiman,
Jeff Dalling,
Matt Haley

Excused: Aaron Martinez

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

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time

APPROVAL OF MINUTES

July 13, 2016 – Special Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the Minutes from the Special Meeting Wednesday, July 13th as presented. Moved by Tera Hooiman, Seconded by Jeff Dalling.**

The motion passed with Commissioner Negrete and Commissioner Haley Abstaining. (4-0)

I. UNFINISHED 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).

Luke Fitzgerald, 207 Brookwood Drive, said the project is back behind the Monte Carlo Apartments. They are proposing a 21 lot phase of the current Copper Trails Subdivision. They have built six homes already, completing Phase 1. They are just trying to move forward.

Cathy Laughlin, City Planner, explained that this item was tabled from last month's meeting. The concerns the Commissioners had were on the Dakota Street improvements. Since last month's meeting Jeremy Draper has met with Mr. Fitzgerald and the memo was revised to clarify some of the questions. Ms. Laughlin wanted to reiterate that the right-of-ways for Copper Trails and Dakota Street have already been dedicated. They are asking that the entire intersection be developed, as well as the frontage of the end lot. They are asking that Dakota Street be a gravel type road way to maintain the fire access onto the property. She went over the memo and stated that there were Planning, Engineering, Development, and Fire Department conditions listed in the memo.

Bob Thibault, City Engineer, read the recommendations from the Development Department and the Engineering Department from the Staff Memo. He clarified that Dakota Street would need to be paved up to their property line. That would leave a section of Dakota as a gravel road used for Emergency Vehicle access only. They are also asking that they stub sewer line up Dakota St. 10 feet, the sewer line was not shown on the map. Mr. Thibault felt it was necessary for the development of the property to the North. The civil plans showed the water line being extended all the way up, and enclosing a loop. They don't see a need for that. They both need to just extend 10 feet beyond the paved portion of the road, so they could be connected onto without disturbing asphalt. The Engineering Department does recommend approval with the conditions listed in the Staff Memo.

David Freistroffer, Vice Chairman asked if there were any additional comments from the Fire Department besides what was listed in the memo.

Ms. Laughlin answered that there were seven conditions in the Fire Department Memo dated June 27, 2016.

Scott Wilkinson, Assistant City Manager, recommend approval as presented by staff.

Chairman Freistroffer asked how the emergency vehicle access will function.

Mr. Thibault answered that the requirement from the Fire Department and Fire Code is a hard surface minimum width is 12-15 feet. He wasn't sure if they were requiring it to be gated.

Mr. Fitzgerald said that Mr. Draper wanted him to put up some bollards and a gate with a lock, so that only the Fire Department had access.

Commissioner Jose Negrete asked who would maintain the gravel road.

Mr. Thibault answered that the City already owns the right-of-way, so they would have to maintain it to some extent, but it will not be a high traffic road. It shouldn't get a lot of wear and tear so it shouldn't need a lot of maintenance. Especially if it will be gated and the residents will be required to exit out to Copper Street.

*****Motion:** Forward a recommendation to City Council to conditionally approve Final Plat No. 6-16 with the conditions found in the Development Department Memo dated June 24, 2016 and to also include the Fire Department Memo Dated June 27, 2016 and the seven conditions listed.

His findings are that Final Plat No. 6-16 conforms to the City of Elko Master Plan Land Use and Transportation Component, City of Elko Redevelopment Plan, City of Elko Wellhead Protection Plan, City of Elko Zoning Sections 3-2-3, 3-2-4, 3-2-17, 3-3, 3-8, and Title 9 Chapter 8.

Moved by Jose Negrete, **Seconded by** Jeff Dalling.

The motion passed unanimously. (6-0)

II. NEW BUSINESS

B. PUBLIC HEARING

1. Review, consideration, and possible recommendation to City Council for Rezone No. 3-16, filed by Jose and Alfredo Uribe, for a change in zoning from LI (Light Industrial) to IC (Industrial Commercial) to allow for future commercial and small scale industrial uses, and matters related thereto.. **FOR POSSIBLE ACTION**

The subject properties are located generally on the south side W. Silver St between First St. and Burner Ct. (APNs 001-692-001, 001-692-003, 001-692-004, 001-692-005).

Ms. Laughlin said that these properties, owned by the Uribe's, are currently zoned LI. They had a few business license applications that came in that were for retail services, which would fit into a C (Commercial) Zone. In denying the business licenses, because they don't fit into the LI Zoning, they reached out to Mr. Uribe and asked him to consider rezoning these properties to IC. The IC would allow him to have a variety of industrial uses as well as commercial uses. Mr. Uribe was very accepting of their request.

Mr. Thibault stated that Engineering recommend approval with no additional comments. He also read the Development Department's condition from the Staff memo, and explained the map and the reason for the condition.

Mr. Wilkinson recommend approval. He wanted to reinforce the potential benefit of having this type of zone adjacent to the RDA area. This would allow for a variety of business types to go into that downtown area. It's a good transitional zone. He thinks an approval would be a good recommendation to the Council.

Commissioner Tera Hooiman asked what is currently on the lots.

Ms. Laughlin answered that there are two vacant lots. The most recent building has a lube shop and two other vacant spaces.

**** Motion:** Forward a recommendation to City Council to conditionally approve Rezone No. 3-16 with the conditions found in the City of Elko Staff Report dated July 5, 2016 listed as follows:

Development Department:

1. Identify the proposed zoning changes on the map provided

Planning Department:

1. Compliance with all staff conditions.
2. Modify map provided to reflect street name as River Street instead of Burner St.

Commissioner Negrete's findings are that Rezone 3-16 conforms to the City of Elko Master Plan Land Use and Transportation Component, City of Elko Wellhead Protection Plan, City of Elko Zoning Sections 3-2-4, 3-2-11(B), 3-2-17, 3-2-21, and 3-8.

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

**** *The motion passed unanimously. (6-0)***

2. Review, consideration, and possible recommendation to City Council for Rezone No. 4-16, filed by Robert Nielsen, for a change in zoning from C (General Commercial) and R (Single-Family and Multi-Family Residential) to C (General Commercial) to have the entire parcel under one zone, and matters related thereto.. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast corner of E Street and W. Cedar Street. (APN 001-132-003).

Jeff Brook, representing the applicant, explained that what triggered this was a business license application. It was discovered that this zoning went through a combined number of lots. They are just trying to zone the whole parcel Commercial.

Commissioner Negrete asked if the building was currently vacant. (No)

Ms. Laughlin said that they received an application for a business license from Purvis Industries, who had been occupying the building for several months and were unaware that they needed to have a City Business License. In reviewing that application is when it was discovered that half that property is zoned Residential and half is zoned Commercial. At that time, because it didn't match up to the properties next to it, Ms. Laughlin looked into it to see if this was something that was an error made by city staff. They looked back as far as they could with all of Zoning Maps that they have and it has always been that the top two lots were Residential and the bottom three lots were Commercial. At that time they reached out to the property owner, Mr. Nielsen, and asked him if he would be willing to rezone that all commercial, so they could approve the business license application. The owner was not aware that it was zoned two different zones. They also requested that he do a Reversion to Acreage and eliminate the interior lot lines. The Reversion to Acreage was approved by City Council on July 26, 2016. This Rezone is just clearing up the property zoning and it does have a commercial use, so they do recommend approval of the Rezone with the two conditions listed in the memo.

Mr. Thibault recommended approval with no additional comments.

Mr. Wilkinson recommend approval as presented by staff.

Commissioner Negrete asked what kind of business Purvis Industry was.

Ms. Laughlin answered that they are a mining supply company.

Commissioner Jeff Dalling said it would be a good fit into Commercial because there is no Residential there.

*** **Motion:** Forward a recommendation to City Council to conditionally approve Rezone 4-16 with the two conditions listed in the Elko City Planning Commission Memo dated July 12, 2016.

Commissioner Hooiman's findings are that Rezone 4-16 complies with the City of Elko Master Plan Land Use and Transportation Component, City of Elko Wellhead Protection Plan, City of Elko Code 3-2-4(B), 3-2-17, 3-2-11(B), and Development under the proposed rezone will not adversely impact natural systems, public/federal lands such as waterways, wetlands, drainages, floodplains, etc. or pose danger to human health or safety.

Moved by Tera Hooiman, **Seconded by** Jose Negrete with an amendment to add section (C) to the City of Elko Code 3-2-4(B).

Tera Hooiman accepted the amendment.

*** *The motion passed unanimously. (6-0)*

3. Review, consideration, and possible action on Conditional Use Permit No. 1-16, filed by Joshua Tree Shelter, which would allow for the construction of a homeless shelter within a PQP (Public, Quasi-Public) Zoning District, and matters related thereto.

FOR POSSIBLE ACTION

The subject property is located generally east of 12th Street on Sharps Access Road (APN 001-630-069)

Jennifer Kidwell, PO Box 1353, Elko, NV 89803, she said they are applying for a Conditional Use Permit because there does not exist a principle use for a homeless shelter in the definitions. The zone is PQP, which seems to be the best fit for their organization. The first phase that will be constructed is the homeless shelter. Future phases include transitional housing and an educational/activity center. The definitions of what that entails was provided.

Judy Hire, 245 Ash Street, she said she would pray the Planning Commission would approve this. She works with Underdog Street Ministries and said that Elko really needs this. In the winter time the homeless are left out in the cold. When the temperatures get below freezing they freeze. A lot of them buy rooms for them in the winter so that they can have some shelter, heat, and access to running water. In the summer time it is just as bad. Recently the temperatures have been extreme and they are suffering. The Underdog provides meals for them on weekends, and on Sunday they had to call the Ambulance for a gentleman because he had a heat stroke. He was living out at the Camp. The Camp is awful out there, there is no shelter or shade. A lot of them have been going downtown to sit in the shade, but they are being run off by Police Department.

Elizabeth McQueen, 452 Frisco Ct. Elko, NV, said as someone who has been directly involved in trying to find placement and shelter for underserved residence of Elko County, as well as homeless residence of Elko County, having this resource available would be a huge improvement for people's lives. She has recently noticed many families who are on the verge of homelessness. This isn't a problem that is going to go away. Having this shelter as a resource and supporting Jennifer and Joshua Tree would be a huge improvement for people's lives.

Ms. Laughlin said that she asked Ms. Kidwell to come in this week and discuss what potential the property has and what she plans on providing as far as services. Staff feels that is important that they include that in Conditional Use Permit. She apologized that the addition memo wasn't part of the agenda packet and reminded the Commissioners that they had a hard copy provided for them. She wanted the Commissioners to read the additional memo and the information that Ms. Kidwell provided. Staff recommended approval of CUP 1-16 with the conditions listed in the City of Elko Staff Memo dated August 2, 2016. Ms. Laughlin then read the Planning Department's six conditions. If the Commission decides to approve the CUP staff would like to reiterate that they should clarify the actual services provided by the shelter to be included in the Conditional Use Permit.

Chairman Freistroffer asked for clarification on the memo

Ms. Laughlin explained that the City doesn't want to be in a situation where we provide a Conditional Use Permit for Joshua Tree Shelter and it leaves a big wide open canvas of

opportunities. Then later on, when the applicant comes in with the transitional housing or something else, we get complaints from the neighbors. We want to make sure that the Conditional Use Permit is approved or denied based on the services that Joshua Tree Shelter will provide.

Chairman Freistroffer read the services provided from the Planning Department Memo dated August 1, 2016.

Mr. Wilkinson reminded the Commissioners that Conditional Use Permits run with the land. They want to have a CUP considered that is all inclusive for any of the services that they envision providing for over time. They are trying to head off any possibilities of complaints from the neighbors or surrounding properties that could arise in the future.

Chairman Freistroffer suggested that they include the services listed in the memo to the motion, when one is made.

Mr. Thibault said that both the Engineering and Development Departments recommend approval. He also read the Development Department's five conditions listed in staff memo.

Ms. Laughlin added that the Public Works Department had one comment that was listed in the staff memo.

Mr. Wilkinson said that they would recommend a conditional approval as presented by staff. He recommended that the Commission modify condition 1 and 2 from the Development Department with a reference to the Planning Department's August 1st memo.

Commissioner Negrete asked the applicant how they planned on providing pedestrian access.

Ms. Kidwell answered that there has been much discussion and recommendations regarding this. One of the more feasible options that was roughly presented by their engineer, was to provide a side walk with a pedestrian light to cross 12th Street. Further up 12th there is already an existing pedestrian light, it would be similar to that.

Mr. Wilkinson said that they will need a traffic engineer to look at the feasibility of how pedestrian access gets done. The other option that was talked about was going underneath the bridge and coming around on the other side and then ramping up. The problem with that access is that it may not be accessible when the river floods.

Ms. Kidwell said that there is a gravel path currently underneath that provides access to the pedestrian walkway but the problem is the grade. It would be difficult to make it ADA compliant and it is not something that is financially available.

Commissioner Negrete asked when they anticipate to break ground on the project and if they have the finances.

Ms. Kidwell said they have the financing for Phase 1 and that she's had to get a lot of approvals to get to this point.

Commissioner Hooiman asked if Ms. Kidwell had a timeline to break ground.

Ms. Kidwell answered that they haven't set those in stone because they have been at the mercy of the City Council and the Planning Commission. They are waiting for the Commission's decision this evening and ten days for approval, then they can establish permit timelines.

Chairman Freistroffer said this looks like a good project and they have solved all problems up to this point.

Commissioner Hooiman said this is something that has been needed for a very long time. She commended the applicant for her efforts.

*** **Motion:** Conditionally approves Conditional Use Permit No. 1-16 subject to the conditions in the Development Department memo dated July 27, 2016, with a modification to condition one and two, the City of Elko Staff Report dated August 2, 2016, and the Planning Department memo dated August 1, 2016 listed as follows:

Planning Department

1. If required, a State license shall be obtained prior to the expiration of the CUP.
2. Pedestrian access and connectivity to the 12th Street pedestrian access shall be provided for.
3. A traffic engineer shall determine the location and safety requirements of the 12th street crosswalk to Sharps Access.
4. Outdoor storage of goods or material shall be prohibited, except when enclosed by a screen wall.
5. Signage will require a separate application with the Building Department and be subject to Elko City Code 3-9.
6. A landscape plan and site lighting plan will be submitted at time of Building Permit Application.

Development Department

1. The conditional use permit is granted to the property owner allowing for the development of Joshua Tree Shelter, which includes the proposed services in the August 1, 2016 City of Elko Planning Department memo
2. The permit shall be personal to the property owner and applicable only to the specific use and to the specific property for which it is issued, as described in the City of Elko Planning Department Memo dated August 1, 2016. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.

3. The conditional use permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property in use for which the permit was issued.
4. Pedestrian access to this site is limited due to the location of sidewalk on 12th Street, the people utilizing the services provided by Joshua Tree are typically pedestrian in nature, accommodations for providing access to Joshua Tree shall be provided.
5. Parcel Map 5-15 shall be recorded.

Public Works:

1. Applicant to install public improvements per Elko City Code at time of development to include pedestrian access.

Planning Commission:

1. The permit is issued to Joshua Tree Shelter for the purposes of providing services such as meals, shelter, and case management, transitional housing, and a proposed activity /educational center as described in the supplemental memo and its attachments dated August 1, 2016

Commissioner Negrete's findings are that CUP 1-16 conforms with the City of Elko Master Plan Land Use and Transportation Component, City of Elko Code 3-2-3, 3-2-4, 3-2-8, 3-2-17, 3-8, and 3-2-18.

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

*****The motion passed unanimously. (6-0)***

C. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Section 3-2-3 General Provisions, 3-2-5 Residential Zoning Districts, 3-2-11 IBP, IC Industrial Districts, and 3-2-12 LI GI Districts and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Laughlin explained that in review of the IC Zoning, for one of the other agenda items, they realized that that particular code section needs to be cleaned up. There were no development design standard listed. Looking at that they started implementing the possibility of amending the code to try and clarify some of the questions that staff and applicants had in regards to the IC Zoning. Looking at that portion of the code it started to expand into the screen wall requirement and the requirement of a Conditional Use Permit. She has provided the rough draft for the Planning Commissioners. They have gone through this with legal counsel and they added the Definition section of the code as well. If the Commission wishes to approve and direct staff to initiate this amendment then, they would like you to also include 3-2-2, which is the definitions.

Mr. Thibault said Development and Engineering had nothing to add.

Mr. Wilkinson said he supported the proposed amendments.

***** Motion:** Initiate an amendment to the City Zoning Ordinance, specifically sections 3-2-2, Definitions, 3-2-3, General Provisions, 3-2-5, Residential Zoning District, 3-2-11, IBP, IC, Industrial District, and 3-2-12 LI GI Districts and direct staff to bring the item back as a public hearing.

Moved by Matt Haley, **Seconded by** Jose Negrete.

***** The motion passed unanimously. (6-0)**

III. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin explained that since there was a Special Meeting on July 12th, there has only been one City Council Meeting that was on July 26, 2016. At that meeting they approved the Reversion to Acreage for the Nielsen property, it was just cleaning up the interior lot lines. They also selected Matt Haley, one of the two applicants that applied for the Planning Commission Position.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin said they had a RAC Meeting on July 28th. There were two items on their agenda. The first item was the recommendation of Phase 1 of the Downtown Corridor Project. That item was tabled and they called a special meeting to be held next month. The second item was a recommendation to the Redevelopment Agency to establish a storefront improvement reimbursement program. As you know we did have that storefront program, it was a grant program that was federally funded. It was de-obligated from the funds by City Council. They have reached out to the Redevelopment Agency of Nevada and have meeting with them quarterly. There are several communities in the state that have done these storefront improvement reimbursement programs. They are going to reach out to them and get as much information from them as possible and learn from their trial and errors. The Redevelopment Advisory Council recommended to the Redevelopment Agency a program of \$50,000 a year maximum expenditure up to five years, reevaluate the program at the five years. They also recommended a maximum of \$10,000 reimbursement per property owner. That will go to the RDA at 2:30 pm on August 9, 2016.

Commissioner Negrete asked if there was a minimum amount that could be applied for.

Ms. Laughlin answered that this item was just to establish the storefront program. Now, as the Redevelopment Manager, she will start working with finding out what has and has not worked in the other communities of Nevada.

Mr. Wilkinson said that staff had not recommended that they get into the details of minimums and maximums. They just wanted to know if the RDA wanted to have a program. The RAC took it upon themselves to get beyond that and into the details and recommended that the program was capped at \$10,000 per property owner.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

Ms. Laughlin said the only thing they have of this date is to bring back the first reading of code that was voted to initiate the amendment.

E. Elko County Agendas and Minutes.

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

Ms. Laughlin said at the last Planning Commission Meeting that was on the Tuesday right after the holiday we weren't able to meet the quorum. The September meeting is the Tuesday after Labor Day, we will be reaching out to the Commissioners and confirming if you'll be in attendance or not or if we will need to schedule that meeting at a different time.

Commissioner Dalling asked if there was any way they could schedule it now.

Mr. Wilkinson explained that it is not an action item on the agenda.

G. Staff.

COMMENTS BY THE GENERAL PUBLIC

There were no public comments at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

David Freistroffer, Vice Chairman

Jose Negrete, Secretary