

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.D.S.T., TUESDAY, SEPTEMBER 6, 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: David Freistroffer
Jose Negrete
Aaron Martinez
John Anderson
Matt Haley
Jeff Dalling (*Arrived at 6:33 p.m.*)

Excused: Tera Hooiman,

City Staff Present: Scott Wilkinson, Assistant City Manager
Cathy Laughlin, City Planner
Jeremy Draper, Development Manager
Matt Griego, Fire Chief
Shelby Knopp, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were public comments made at this time.

APPROVAL OF MINUTES

August 2, 2016 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion:** Approve the minutes from the August 2, 2016 meeting as presented. **Moved by** Jose Negrete, **Seconded by** David Freistroffer.

The motion passed unanimously (6-0)

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible recommendation to City Council for Rezone No. 5-16, filed by Southwest Gas Corporation, for a change in zoning from C (General Commercial) to IC (Industrial Commercial) to allow for the development of a new Southwest Gas facility, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the North side of Ruby Vista Dr., approximately 1755ft East of E. Jennings Way. (APN 001-564-011).

Ryan Cooley, Southwest Gas, 4251 Spring Mountain Road, Las Vegas, NV.

Ted McElvain, 744 Commercial Street, Elko, NV, Southwest Gas.

Mr. Cooley said they are seeking approval for going from Commercial Zoning to Industrial Commercial Zoning. They feel that it would fit in with the neighborhood. It would be a good transition piece between the Commercial Zone on one side and the Industrial Zone on the other side. They are looking to build a new 12,000 to 15,000 square foot facility. It will have office space as well as warehouse space.

Sam Billin with LinkedIn Engineering, 2720 Ruby Vista Drive. He owns 2720 Ruby Vista Drive which is located across the street from the subject property. They have been residents up in that area since 2006, when there was no development up there except Highland Manor. He is eager to see bare land developed but he has some reservation. Several years ago, when there was no industrial property available most of E Idaho Street was trying to move into this area, with laydown yards and well drilling. They have worked hard over the last few years to protect zoning and keep it from turning into a heavy industrial zone. They have worked with Cummins, Mr. Wilkinson, and others in the past to work that out. He wanted to give credit to Cummins Diesel. When they came into the Commercial Zone they upped their standards and met all the design standards for the Commercial Zone. Southwest Gas is currently in a Commercial Zone and is proposing to move into a Commercial Zone and is finding a need to downgrade to Industrial Commercial. The question is how they maintain the commercial level design standards going forward. He doesn't want to see spot zoning just to avoid development costs. Two years ago 2550 Ruby Vista Drive was rezoned Industrial Commercial based on some renderings that were presented at a meeting. That building was never built, but the zone remained Industrial Commercial. He requested that the zoning be inherent to the use. He realized that there is an update to the Industrial Commercial Zoning in a future agenda item. His main request is those development standards, that are proposed, be applicable to this project.

Cathy Laughlin, City Planner, as part of our general provisions in the City Zoning Ordinance, there is a provision that reflects essential services. Southwest Gas is one of those essential services, we cannot deny them in going in any zone. Ms. Laughlin and Mr. Draper talked with Southwest Gas in regards of the potential property and the potential of them ever having to sell it. You are familiar with the NV Energy property and the situation the City had there. They were developed as Light Industrial, but zoned as Commercial. The Industrial Commercial Zone allows for any permitted use under the Light Industrial Zone and any permitted use under the Commercial Zone. Therefore it protects them in the long run for the sale of the property in the future.

Chairman Martinez asked Mr. Billin if Ms. Laughlin answered all of his questions and if he needed clarification on anything.

Mr. Billin said that he met with Ms. Laughlin earlier and she had addressed all of what she said with him. His question is usually with a zoning change they are trying to downgrade on some cost.

Chairman Martinez said because the requirements are less restrictive.

Mr. Billin said the question is will these new standards raise that to a satisfactory level.

Ms. Laughlin stated that it raises it to the commercial use.

Chairman Martinez asked if the new changes to the IC Zone would apply to Southwest Gas. (Yes)

Scott Wilkinson, Assistant City Manager, said to keep in mind that the development of this parcel will also require a Conditional Use Permit. Any issues that are identified and need to be mitigated, that aren't addressed in code, could be considered and addressed by the Planning Commission.

Mr. Billin said that is a very important step. That's where the rendering of the building becomes very important.

Ms. Laughlin said that she just has a few more things that she wanted to point out from the Staff Memo. For the Master Plan the Land Use is considered Highway Commercial. Under the Highway Commercial Land Use the supporting zone districts are: Planned Commercial, General Commercial, and Convenience Commercial. We feel that Southwest Gas's proposed use will fit in with the Master Plan Land Use. We feel it is a supporting element there, complimentary to the District. They only plan on developing the lower half that is generally flat, the rest is quite steep. We can address issues with the Conditional Use Permit, as far as fencing and such at that time.

Jeremy Draper, Development Manager, said the Development Department agrees with the proposed Zone Change. They do recommend approval. He believed that they have also addressed the condition that was listed in his memo at this time.

Ms. Laughlin added that we have a letter from the property owner that states that they would like the final approval contingent upon the sale of the property to Southwest Gas Corporation.

Fire Chief Matt Griego said Fire Department has no concerns at this time.

Mr. Wilkinson recommends approval.

Chairman Martinez asked the applicant what their thoughts were on keeping the zoning the way it is, instead of throwing an Industrial Commercial Zone in the middle of Residential and Commercial. Based on the initial documentation it seems like you're going to build a nice building and you would probably be able to meet 90% of the Commercial requirements. Mr. Martinez was just curious if Southwest Gas would be willing to consider that.

Mr. Cooley said that when they originally started looking at this parcel, because of their status as a utility company, they fell into an Industrial Use. So their initial intention was to change to Industrial Zone as required by code. He wasn't sure what requirements would be different between the Commercial Zone and the Industrial Commercial.

Chairman Martinez answered that the Commercial Zone is guiding construction more towards a commercial setting. The curb appeal would be better in the Commercial Zone versus the Industrial, where the landscaping requirements are less stringent. There are cost implications, but being where you are a public utility being paid by the public there might be some additional consideration. Then we would under a Conditional Use Permit allow a little more latitude for you to build the building and do the things that you need to do, but then also conforming to the local area. There are a lot of private investors in the area that are trying to protect and leverage their investment.

Mr. McElvain said they are willing to consider anything that's on the table. Their plan is to blend in with the community.

Chairman Martinez said that they may have the best intentions, but once the zone is changed then were stuck with that.

Mr. McElvain said as a utility in Elko, they have been here since 1964 in the exact same building. Once their new building is built, there would be no plan to move from that building at least for that length of time again.

Commissioner David Freistroffer asked the applicants if they would be ok with the Commission denying or tabling the item so they could consider what they have mentioned. So that they could keep the Commercial designation, which is a higher value.

Mr. Cooley said the issue with tabling the item tonight, is that they are trying to decide if they want to buy the parcel. They are on a timeline. The delay in this item would ultimately define if they would want to purchase the property or not.

Mr. Wilkinson said that it might help to take a look at the code and the intent of IC District. When staff had initial discussions with Southwest Gas they thought the IC Zoning, on this particular parcel, provided a good transitional zone. The IC really is a transitional zone, it's not a district that has very specific Industrial principals or very specific Commercial uses. The Code today very clearly articulates the intent for the industrial uses there.

Mr. Draper explained the Sections in the Elko City Code that Mr. Wilkinson was referring to.

Chairman Martinez said Cummins could be classified as Light Industrial.

Mr. Draper said that is correct and that was one of the arguments that was made when they first went it there.

Mr. Wilkinson said with Cummins they actually did a site plan review. They presented evidence to the Planning Commission to show that they had enough of a Commercial element that they

could be approved to go into a Commercial Zone. Under that site plan review we required all the conditions like you would with a Conditional Use Permit.

Chairman Martinez asked if the conditions were at the time of the Conditional Use Permit.

Mr. Wilkinson answered that they didn't actually go through a CUP so they did a Site Plan Review instead. They just looked at the proposed business and whether it could go under a Commercial District. The difference is a CUP runs with the land, where as a site plan review would not.

Commissioner Jeff Dalling felt that it is Southwest Gas and they would do the right thing on the landscaping. They keep their current building nice and taken care of. He said it would be a great thing out there and he's not worried about them not doing a good job on the landscaping.

Mr. Billin commented to enter these things very carefully. Will future IC upgrades and How will those upgrade be applicable to this rezone.

Mr. Draper answered that any time there is a zone change it applies to all future development.

Mr. Billin asked if this was the proper zone to be considered tonight. He also asked if it was even possible that a rezone be contingent upon the resale of the property.

Mr. Wilkinson said that we have to have a condition recommended to the City Council and the City Council would have to agree to the condition. The applicant also has to agree to any conditions on a rezone. The conditions would be added to the resolution. The resolution would not be signed by the Mayor until evidence that the condition is met is presented to the City Clerk's office.

Commissioner Freistroffer asked the applicant if they would be ok with a condition that the rezone is contingent upon the sale of the property. (Yes)

Mr. Draper commented that the neighboring property, which is Industrial Business Park, the Industrial Business Park Zone does have an area requirement. If that parcel wanted to have a zone change it wouldn't be possible for that particular parcel, because of the area requirement. That's another consideration for the transition from the Commercial to that Industrial Business Park.

Chairman Martinez asked the applicant if they had an approximate start date.

Mr. Cooley said if everything works out they are hoping to start in April or May of 2017.

*****Motion:** Forward a recommendation to City Council to conditionally approve Rezone 5-16, with the list of conditions in the City of Elko Staff Report dated September 6, 2016 with the additional condition where the rezone is contingent upon the sale to Southwest Gas Corporation.

Commissioner Freistroffer's findings are that Rezone 5-16 is in conformance with the City of Elko Master Plan Land Use and Transportation Component, City of Elko Wellhead Protection Plan, City of Elko Zoning Section 3-2-4, 3-2-11(B), 3-2-17, 3-2-21, and 3-8.

Moved by David Freistroffer, Seconded by Jose Negrete.

**Motion passed unanimously. (6-0)*

2. Review, consideration, and possible recommendation to City Council for Rezone No. 6-16, filed by Big Foot Holdings, LLC, for a change in zoning from GI (General Industrial) to IC (Industrial Commercial) to allow for the development of an automatic tunnel carwash, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the Southwest corner of River St. and 12th St. (APN 001-630-017).

Lana Carter, PO Box 794, she is representing Big Foot Holdings this evening. This particular property fits their use really well because it is long and linear just like the car wash. They were informed by staff that the current zone of General Industrial does not fit the use of the tunnel car wash. The Industrial Commercial Zoning upgrade would be the zone they would need for this project.

Ms. Laughlin explained that she had a few things listed in the background section of her memo. Like the lot geometry is linear and suitable property for their use. There is General Industrial Zone surrounding this property and some Developed Residential. The Master Plan does clearly state that we would like to get quite a bit of the GI out of the downtown area. The Land Use of the Master Plan does call it Industrial General. Supporting zone districts for the GI are: LI, IC, and GI. We do have the same situation, in the packet there is a letter from the current property owner that clearly states that the rezone be contingent on the sale of the land to Big Foot Holdings, LLC. The City Planning Department recommend approval with the conditions listed in the Staff Memo.

Mr. Draper recommended approval with no further comments.

Chief Griego said he has no concerns at this time.

Mr. Wilkinson recommend approval per staff conditions. He also added that this type of zoning helps transition this heavy industrial zoning out of the downtown area.

Chairman Martinez agreed that it would be a big improvement to get the GI out of that area. He also asked if it would be a drive-thru car wash and whether they would terminate on Water Street.

Mr. Draper answered that they would come in on River and go out on Water.

Commissioner Haley asked if it would be strictly a car wash or if anything else would go in there as well.

Chairman Martinez said they haven't proposed anything else. The zone allows them to operate within those means, so they could have shop, a mechanic, or an oil lube shop.

Ms. Laughlin said that the zone would allow for anything within the LI permitted use or the Commercial permitted use.

Chairman Martinez asked if they would need a CUP. (No)

Commissioner Dalling said it is a good fit and a good use of that spot.

****Motion:** Forward a recommendation to City Council to conditionally approve Rezone 6-16 with the conditions listed in the City of Elko Staff Report dated September 6, 2016, with the additional condition based on the memo requested from the property owner that this rezone be contingent upon the sale of the property to Big Foot Holdings LLC.

Commissioner Freistroffer's findings are that Rezone 6-16 is in conformance with the City of Elko Master Plan Land Use and Transportation Component, City of Elko Wellhead Protection Plan, City of Elko Zoning Section 3-2-4, 3-2-11(B), 3-2-17, 3-2-21, and 3-8.

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

**Motion passed unanimously. (6-0)*

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible action to initiate amendment to the City Zoning Ordinance, Ordinance No. 805, specifically Sections 3-2-2 Definitions, 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 this started out as the IC District revision. Looking at the IC it did not have design development standards. We wanted to include the design development standards such as landscaping and setbacks. Some of these issues were coming up in plan review. That's how it started out but as you can see it escalated into something bigger. We ended up adding five sections to the revision. Everything that is bold and underlined has been added and everything that has been crossed out was deleted. Ms. Laughlin went over the changes that were applied to Section 3-2-2 Definitions.

Mr. Wilkinson said that he has a couple comments on the Definitions section. He asked when they took out group facilities have they been able to address where that use will go in the district within our code.

Ms. Laughlin explained that they left it in Residential and General Provisions.

Mr. Wilkinson asked if there was an opportunity to specify that type of use in a district. On Dwelling Units were taking out reference to the family but we define a family. He wanted to make sure they weren't creating a problem with that definition.

Ms. Laughlin continued to explain the changes made to the General Provisions section.

Mr. Wilkinson wanted to look into whether they can govern residential establishments in certain districts, because his understanding of the NRS is that there is just a distance separation, regardless of the district. This is something similar to the essential service type issue.

Ms. Laughlin explained the changes made in to Sections 3-2-5, 3-2-11, and 3-2-12.

Motion: Initiate an amendment to the City Zoning Ordinance specifically Sections 3-2-2, 3-2-3, 3-2-5, 3-2-11, and 3-2-12 and direct staff to bring all items back for a public hearing.

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

**Motion passed unanimously. (6-0)*

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin said at the City Council Meeting on August 9th, they conditionally approved the Final Plat 6-16 for the Copper Trails Phase 1 Unit 2 Subdivision. They did agree with all of the Planning Commission conditions. At the City Council Meeting on August 23rd, they approved Resolution 26-16 for the Rezone on Silver Street that was filed by Jose and Alfredo Uribe. They approved Resolution 27-16 for the Rezone on the corner of E Street and W. Cedar Street that was filed by Robert Nielson. They also approved an application for a Revocable Permit for two monitoring wells on Idaho Street and E. Jennings.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin said there was an RDA meeting on August 9th, where they approved staff to develop a Storefront Improvement Reimbursement Grant Program with a maximum annual expenditure of \$50,000 for five years to be reevaluated after that. They approved up to \$50,000 in funding for the tower project, along with the rock art, to commemorate the Elko Centennial. There was a third agenda item that was tabled due to lack of time. It was to consider a donation of the Pescio Building, on the corner of 5th and Idaho Street, to the Redevelopment Agency. The RDA will not have the expenditure of the water upgrade in the alley between 4th and 5th. It was determined that a four inch line for the Cowboys' fire sprinklers would be adequate. We are waiting for them to submit plans and do the water tap before we pave the alley. There was a RAC Meeting on August 25th. There was one agenda item to determine the prioritization of Phase 1 for the Downtown Corridor Project. Each of the members expressed their top three priorities, but they could not come to a recommendation to the RDA. They will have another Special RAC Meeting this month.

Chairman Martinez asked if the date had been set for the meeting.

Ms. Laughlin said that it will be the fourth Thursday of the month at 4 p.m.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

E. Elko County Agendas and Minutes.

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

Chairman Martinez said that they had something on the agenda before about changing the Planning Commission Meeting time. Commissioner Freistroffer has been able to work it out with Great Basin College to have additional time proposed. He was thinking 5:30 p.m.

Commissioner Freistroffer said that 5:30 p.m. or 6:00 p.m. could both work.

Commissioner Dalling thought that 5:30 p.m. sounded great. He also mentioned that it would be good for the public too, they wouldn't have to take time off work to come to the meetings.

Ms. Laughlin said that staff has reviewed the Resolution, which created the Planning Commission, it just says that meetings are to be held the first Tuesday of every month.

Chairman Martinez said that they would like an action item on the next agenda for the meeting time.

G. Staff.

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Aaron Martinez, Chairman

Jose Negrete, Secretary