

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.S.T., TUESDAY, DECEMBER 1, 2015
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

NOTE: The order of the minutes reflects the order business was conducted.

CALL TO ORDER

The meeting was called to order by Aaron Martinez, Chairman of the Elko City Planning Commission.

ROLL CALL

Present: David Freistroffer, Jose Negrete, Aaron Martinez, Joe Becker,
John Anderson, Tera Hooiman, Jeff Dalling (arrived at 6:33 p.m.)

City Staff Present: Scott Wilkinson, Assistant City Manager; Bob Thibault, Civil Engineer;
Jeremy Draper, Development Manager; Josh Carson, Fire Marshal;
Rebecca Hansen, Planning Technician

PLEDGE OF ALLEGIANCE

INITIAL PUBLIC COMMENT PERIOD

There were no public comments made at this time.

APPROVAL OF MINUTES

May 5, 2015 – Regular meeting **FOR POSSIBLE ACTION**

June 2, 2015 – Regular meeting **FOR POSSIBLE ACTION**

*****Motion:** Approve the May 5, 2015 as well as the June 2, 2015 meeting minutes as submitted.
Moved by Joe Becker, Seconded by Jose Negrete. The motion passed unanimously.

I. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review, consideration, and possible action on Conditional Use Permit No. 9-15, filed by Daniel and Iolanda Gillins with authorization from DBB Investments, LLC, which would allow a professional office within an RO (Residential Office) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northerly side of Court Street approximately 275 ft. east of 9th Street (993 Court Street).

Greg Martin, Coldwell Banker, representing the seller, felt it would be a wise move to have the conditional use permit run with the property. The property has been previously used as a professional law office and a medical office.

Mr. Draper explained the current CUP has a condition that it does not run with the land. The property is currently developed as an office. He went over his memo recommending conditional approval, and read other staff comments in the packet.

Mr. Thibault disclosed he is a neighbor. As a resident he was glad to see a vacant building being occupied. As a staff member he had no concerns and recommended approval.

Mr. Wilkinson recommended approval, but thought they should be specific about the conditional use being granted for a professional office use not requiring a parking density of greater than 1 parking space per 300 feet of usable floor area in addition to one residential apartment on the upper level. In case somebody else comes in with a different business type.

Mr. Draper agreed.

Mr. Carson recommended approval.

Mr. Wilkinson brought attention to a letter from Teresa Aguirre which has been provided to the Commission. She's had issues with businesses in the past regarding the shared driveway. That shared agreement is of record with the County Clerk. She has no objections if it's understood the driveway is shared and parking is addressed. He felt it was appropriate to add a condition that they cannot block the driveway.

Chairman Martinez wondered if there is an easement on the property line or just an agreement.

Mr. Thibault explained there is a recorded agreement that states there is about 6 ft. 8 in. either side of the property line for a shared access.

Mr. Wilkinson thought it might be beneficial for them to add no parking signs on the building.

Mr. Martin said it is already done.

Commissioner Becker asked if the parking spots were already striped.

Mr. Martin said it is done, but it's kind of worn out and will need to be redone.

There was a question about how the motion should be worded regarding the parking density.

Mr. Draper said they could modify his first condition to add: with a parking density of 1 space per 300 sq. ft. He didn't feel they needed to include the residential spaces since the residential use does not require a CUP. If they sold the property in five years and it went from an accounting

firm to a law office, engineering office, etc. it would still be considered a professional office and they could continue the use of that property under this CUP.

****Motion:** Conditionally approve Conditional Use Permit No. 9-15 subject to the conditions in the memo from Jeremy Draper, Development Manger dated November 16, 2015, with a modification to condition one and one additional condition, listed as follows:

Development Department

1. The conditional use permit is granted to the property owner allowing for the development of a professional office with a parking density of 1 space per 300 sq. ft. in the RO district.
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. 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. Based on the square footage found on the site plan the main level of the building is required to have five (5) parking spaces, two (2) additional spaces are required for the residential unit located on the second floor for a total of seven (7) spaces.
5. All parking spaces shall be striped and sized in accordance with 3-2-17 of the Elko City Code.
6. A sign permit is required for the proposed sign.
7. The driveway is to remain free of obstructions and accessible to the neighboring property owner at all times.

Public Works Department

1. The applicant lists two on-street parking spaces, these should not count towards the required parking.

Commissioner Freistroffer's findings are the conditional use permit is in compliance with the City of Elko Master Plan Land Use and Transportation Components, the City of Elko Redevelopment Plan, the City of Elko Wellhead Protection Plan, and City of Elko Code Sections 3-2-3, 3-2-4, 3-2-5 (F), 3-2-17, and 3-2-18.

Moved by David Freistroffer, Seconded by Tera Hooiman.

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

2. Review, consideration, and possible action on Temporary Use Permit No. 4-15, filed by A.M. Engineering, LLC, on behalf of Elko County School District, for the placement and use of two modular buildings as temporary classroom facilities within

a PQP (Public, Quasi-Public) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the easterly side of S. 9th Street just north of Wilson Avenue (501 S. 9th Street).

Chairman Martinez announced he has a conflict since A.M. Engineering is his firm. He will abstain from commenting on this item, but will continue to conduct the meeting.

Patrick Jones, A.M. Engineering, explained this item is being driven by student capacity. County-wide the school district has to place six fully operational manufactured classrooms, and is continuing to seek permanent solutions. Southside School contains two existing modular pads with sewer, water, and electrical infrastructure. The northerly pad has an existing trailer which housed the Boy's & Girl's Club. It will be replaced with a structure of equal size. The southerly pad already had the structure removed. They request condition four be changed to: The applicant shall be responsible for installing curb, gutter and sidewalk along the northwest frontage extending 300 linear feet. All improvements shall be designed by a professional engineer and completed within 1 year of the issuance of the temporary use permit.

Mr. Draper went over his memo. With a temporary use we typically have a time frame. We've allowed other modular school buildings for up to five years, so that is the recommendation. This is in the floodplain so any new construction would have to be in conformance with City Code Section 3-2-8. He recommended conditional approval adding the following wording to condition 4: "and all improvements shall be as required by Elko City code section 2-13-3." That portion of code requires improvements if the building square footage is increased by more than 400 sq. ft. Therefore, we currently have a question in with the City attorney whether or not putting a trailer back in will constitute the addition of more than 400 sq. ft. He also wanted to add the following wording to condition 5: "if the use is determined not a legal non-conforming use." Another question we have is how long the faculty parking use has been in place. If it is a legal non-conforming use it can continue without a revocable permit.

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

Commissioner Becker verified that the questions are still outstanding with the attorney, and wondered how the school district felt about putting in the improvements.

Steve Bowers, Elko County School District, 850 Elm Street, didn't have an issue with any of it. The only question he had was the scope of the asphalt: patch-back or rebuilding Lyon Avenue.

Mr. Draper said a patch-back.

****Motion:** Conditionally approve Temporary Use Permit No. 4-15 subject only to the following conditions from the Development Manager's memo dated November 19, 2015, with a modification to Development Department's fourth condition, listed as follows:

Development Department

1. The proposed use meets the requirements of city code 3-2-3-C-5
2. The temporary use applies to APN 001-740-001

3. The use is permitted for a period of 5 years, unless modified by the Planning Commission
4. The applicant shall be responsible for installing 300 lineal feet along the northwest frontage, as required public improvements along Lyon Ave, curb, gutter and sidewalk along with some additional paving if necessary. All improvements shall be designed by a professional engineer and completed within 1 year of the issuance of the TUP.
5. The applicant is using Lyon Avenue for faculty parking, a revocable permit to occupy the right of way should be obtained from the City of Elko.

Utilities Department

1. Will review the plans for the units when they are submitted for a Building Permit.

Building Department

1. Maintain 20 feet between structures and 10 feet from property lines to structures.

Fire Department

1. Required Fire Protection shall be continued in the added modular units as required by the 2009 International Fire Code (IFC) and the Nevada Administrative Code (NAC) 477.
2. A construction permit is required for fire protection modifications and or additions. A separate plans and documents package shall be provided for fire department review and approval.

Moved by Joe Becker, Seconded by Jose Negrete.

*****The motion passed with Chairman Martinez abstaining.**

3. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Section 3-2-17 Traffic, Access Parking, and Loading Regulations, and matters related thereto. **FOR POSSIBLE ACTION**

Chairman Martinez explained this is a preliminary aspect to get the process moving. If the public has comments please be very concise so staff can articulate them in a revision as this is a work in progress. Depending on the Planning Commission action, there will be several opportunities after this meeting to review and comment on the product, including two hearings at City Council.

Mr. Draper went over the proposed changes in the packet. The first change was to traffic visibility. We include signs as an obstruction, and change the site triangle from 15 feet and 30 feet from the right-of-way to a location required per ASSHTO which is based on the speed of the roadway.

Commissioner Becker thought we should specify what AASHTO means.

Mr. Draper said it's American Association of State Highway Transportation Officers, and then continued going over the changes. Next was for public and private access from parcels. Previously that was only based on arterial and local streets intersecting each other, but now it's broke out so it's a little more consistent with our Master Plan. In instances where the minimum standards cannot be met, the City Engineer will determine a location as far from intersections as possible. NDOT right-of-ways shall be permitted. Principal/Major Arterials: (Mountain City Hwy., portions of Silver St., portions of Idaho St., future Errecart Blvd., etc.) restricted to right-turn only, spaced a minimum of 350 feet from all other intersections or points of access, and shared with adjacent property owners where feasible. The school district has some concerns

about the 350 foot requirement because they are looking at building a new school along a major arterial. If this board feels that is too much we can change that, but that is the suggestion from the National Highway Safety Board for a 35 mph roadway. NDOT recommends half a mile from intersections and restricts arterial access to what's currently available. Minor Arterials: (5th St., portions of Idaho St., Manzanita Ln., etc.) spaced a minimum of 250 feet from all other intersections or points of access. Collector Streets: (ones that run into arterials such as 8th St., Court St., etc.) residential - backing into the street is not allowed and shall be spaced 75 feet from intersections and 25 feet from other points of access/all other uses - spaced a minimum of 100 feet from all other intersections or points of access. Local Streets: residential - spaced a minimum of 30 feet from all other intersections and 10 feet from all other points of access/all other uses - spaced a minimum of 50 feet from intersections and 30 feet from all other points of access. This would encourage commercial or industrial developments to place their building against the right of way and parking to the rear. Next was a change to civil improvements. Civil improvements are required on all unfinished or undeveloped frontages regardless of access utilization, and approved by the City. Next was traffic counts. We currently require traffic counts but this puts the requirement in code. All developments shall provide calculations based on ITE, and if the estimate exceeds 1,000 vehicle trips per day or will decrease the level of service to a D or worse then a traffic study will also be required. The traffic study may result in off-site improvements being required. In the schedule of off street parking we added the word minimum to "spaces required" that way developers know they can always go above and beyond, and added a third column to separate the uses from sub-uses. We deleted drive-in food or drink lounges. We modified the title of Gas Service Stations to Gas Convenience Stations, and removed the requirement for service bays and auxiliary commercial uses. One space per two gas pumps is what ITE recommends.

Commissioner Becker wondered if the uses that weren't changed in the schedule of off street parking still conform to what is expected in a modern era.

Mr. Draper said most of them do and fit our community, and then continued going over the changes. We removed retail establishments not elsewhere listed at one space per 375 sq. ft. and replaced it with Unspecified uses/Leasable spaces at one space per 175 sq. ft. of usable floor area or as required by the Planning Commission. We're seeing that buildings which develop with no real tenants in mind end up not having enough parking. If a developer feels that is too restrictive we can bring that to Planning Commission for a determination. Under hotels and motels we changed auxiliary commercial to auxiliary uses, i.e. restaurants, and changed it from one space per 50 sq. ft. to one space per 100 sq. ft. to be consistent with regular restaurants. Under offices we added professional and governmental to the sub-use which requires one space per 300 sq. ft. Elementary schools was changed from one space per employee to one space per six students. This is in conformance with ITE, and if you think about it, if you want to help out your student's classroom there won't be parking for visitors if they're only required to have one space per employee. Additionally, the schools have ball games and parking becomes an issue. Mr. Bowers from the School District reviewed these changes based on current development standards, and they meet or exceed these standards. We do know that occasionally they have a peak in enrollment, so we may need to add that this is just at the initial time of development or a permanent expansion. Golf courses which are open to the public was changed from five spaces per hole to four spaces per hole. High schools was changed from one space per eight students to

one space per four students. We added a sub-use for middle schools/junior highs at one space per 10 students plus one space per employee.

Commissioner Negrete thought it was weird that we were reducing the number of parking spaces for high schools.

Mr. Draper explained we're doubling them, and then continued going over the changes. This section of code makes it more restrictive for development of schools, so we may need to do a business impact statement before it's adopted. We changed multi-family dwellings to be based on the number of bedrooms. One and two-bedroom units will be 1 ½ spaces per dwelling unit and three or more bedroom units will be two spaces per dwelling unit. We also clarified that single-family, townhomes, condominiums, duplexes, triplexes, and fourplexes will be two spaces per dwelling unit. Under parking lot design standards we added that parking or improvements adjacent to a building face shall provide an access lane 26 feet wide for emergencies. Under secondary access or interior turnarounds we added interior turnarounds shall also be designed in accordance with currently adopted Fire Code found in Title 6. Under landscaping we now allow parking spaces which abut and overhang a sidewalk exceeding seven feet in width to also be reduced to 18 feet long. We added a whole section for park and ride facilities (subsection H) which will relax some of the development requirements, but still protect the City infrastructure and the developer. What's really driving this is the mining industry. They shall meet the design standards in subsection G (Parking Lot Design Standards) unless specifically discussed under subsection H. We start out by defining a park and ride facility. Then specify they shall be located on LI or GI property adjacent to an Industrial Collector or higher classified roadway. State they can't be on property associated with any other business. Area requirements: 3 – 15 acres. Lighting: 50 percent of the parking lot shall have a minimum illumination level of at least 0.25 foot-candle, and illumination shall be distributed throughout the parking lot. Standard parking lots are 80 percent. Trash receptacle/dumpster areas: areas enclosed by a screen wall are required, receptacles shall be placed evenly throughout the parking lot with a minimum of one per acre as well as at every bus loading zone, and one enclosed dumpster accessible from a paved surface is required. Traffic calculations are required. If the estimate exceeds 2,000 vehicle trips per day or will decrease the level of service to a D or worse then a traffic study will also be required. Standard developments are 1,000 vehicle trips per day. The thought is people are not driving to park and ride facilities at peak-hour times, and each parking space generates 4.7 vehicle trips per day so it adds up quick. Surfacing, curb, and drainage: every lot and access shall be properly graded to prevent impoundment of surface water and surfaced with a compacted type II road base a minimum of six inches thick, parking spaces shall be clearly delineated with either striping on paved surfaces or bumpers on non-paved, asphaltic surfacing a minimum of two inches thick is required at each entrance for a minimum of 100 feet and along the route the busses will use. There was a discussion amongst staff that maybe 100 feet is too much. For construction sites we require 50 feet minimum. What we're really looking for is to protect our infrastructure in the right-of-way. Chairman Martinez brought up that two inches isn't much, but that is private property and they are required to maintain that. Engineering-wise we'd recommend three inches, but the property owner can determine that.

Commissioner Freistroffer wondered about the pros and cons for road base versus more pavement. His thoughts were dust and air problems, but less discharge into the Humboldt River.

Mr. Draper thought storm water was one pro. Another is we won't have 10 acres of pavement causing a heat island effect. It also allows for future development of property without having to rip up a lot of existing infrastructure. The mining industry is aware of the dust issues and will put down mag chloride or something like that. That is something we could add: shall be surfaced with a compacted type II road base a minimum of six inches thick, and dust shall be minimized throughout its use.

Commissioner Becker wondered if the paving for the bus route would be a loop.

Mr. Wilkinson said or they could have a turn-around area.

Commissioner Becker pointed out when asphalt goes bad it really goes bad, but road base can be re-graded.

Mr. Draper said an asphalt surface prevents the pick-up of rocks and track out to the City right-of-way, windshield damage, and dust issues.

Mr. Wilkinson added we did see that issue when we did our airport project; once we had aggregate on a roadway we had a lot of broken windows and things like that.

Commissioner Becker wondered what the logic of having the dumpster on paving was and if the truck coming up to it could drive across the road base.

Mr. Draper pointed out the dumpster has to be accessed from the paved surface, and the logic is just having that heavier traffic coming through there. The next changes are under exceptions which is now subsection I. The RDA has been talking about this change for quite some time to help improve the mixed-use of downtown. We added residential uses occupying upper level floors directly adjacent to the parking corridor can use the corridor for parking provided that each property have no more than three residential units and no more than six bedrooms between the three units. All other residential shall provide off-street parking.

Commissioner Dalling wondered why we would allow residential to use up the parking because we're already fighting for parking down there. He was concerned.

Mr. Draper explained that is why we restricted it to just those adjacent to the corridor. For instance, there are 74 properties adjacent to the corridor. If each of those properties were to add three residential units as described here that would result in 370 parking spaces being used. We know parking downtown is a concern. That is why we want to start with only three residential units with not more than six bedrooms because it still provides for the mixed-use development getting residents downtown who can frequent the downtown businesses, but hopefully it's not going to overwhelm the corridor in such a way that it has a negative impact on the businesses down there.

Commissioner Becker felt this needed to be a per-unit measure rather than a sq. ft. measure.

Mr. Draper said if you go back up to the parking table that's what it has. What we're recommending now is per bedroom, so if they do two three-bedroom units and one one-bedroom unit that's a total of five spaces that they're required to have.

Mr. Wilkinson addressed Commissioner Dalling, we are trying to make sure we don't negatively impact the commercial and employee uses. This may be too much, and Mr. Draper already demonstrated that. A typical parking corridor block is about 150 spaces. It's better to start out small and relax it more later because it's very difficult to take that away.

Commissioner Freistroffer is glad to see something in there to encourage residential downtown.

Commissioner Hooiman said a developer doesn't see the value in three units. If she were going to purchase property to build an apartment complex downtown that shoots her profit margin in the foot.

Mr. Wilkinson said it's clear the corridor can't support that. If you're going to develop a large complex you need to provide off-street parking. This is intended to encourage mixed-uses of the existing buildings.

Commissioner Hooiman said the talk at the RAC meetings is to encourage the buildings to go upwards to house residential units. As a potential developer she would never consider that. She walks downtown all the time because she lives two blocks away. There are parts of the corridor that are full a lot of the time, but there are also parts that are not full a lot of the time. People who are working are not there at 4 a.m.

Mr. Draper said Chairman Martinez and I had a similar discussion. However, if we don't modify the code in some way residential development has to provide off-street parking. This would encourage some of those smaller businesses to get some residents back down there that all these businesses say they need. At the same time we need to protect the parking because the corridor doesn't just serve our community, it serves all the surrounding communities when they want to come into town. If we go down this road for a few years and see that three units works great for 25 foot wide lots, but not for larger lots then maybe we can start to look at the formula that needs to happen. We currently allow for mixed-use parking in our code based on the time of use. That's something you brought up, businesses aren't there at 4 a.m. but the residents are. That's great Monday through Friday, but when those businesses really want people in there on Saturday and Sunday most residents aren't working. He also cautioned about allowing too much to start.

Commissioner Hooiman clarified she is not promoting the development of an apartment complex downtown. She's only thinking about the vacant lot next to Donuts 'N Mor and the one owned by Stockmen's which are ugly. There could be so much more done with them, just like the two blighted buildings on the end of Idaho Street, and by limiting it to three units there isn't motivation for builders.

Mr. Thibault clarified these changes do not affect a developer who wants to do a large apartment. They need their parking now and would need it after this change. I don't know that we could provide parking for a large apartment complex without overwhelming the corridor. Any comments he had were incorporated into this version.

Mr. Wilkinson's comments were also incorporated or shown as comments in the margins.

Mr. Carson felt he might have some minor language changes to G.

Mr. Wilkinson added these changes haven't been reviewed by the City attorney, we didn't want to incur that expense if it wasn't going to be initiated. He was certain the attorney would have additional comments.

Chairman Martinez had a hard time seeing parcels meeting the 350 foot distance requirement for access to principal/major arterials. Is it true existing code requires 330 feet?

Mr. Draper said yes, think about Wal-Mart and Elko Junction Shopping Center. Those are along NDOT right-of-way who rules in that sense. Portions of Idaho Street from Mountain City Highway to 5th Street and from 12th Street out to the east end are also major arterials, so we do have some larger parcels out there. The next one that will really fit this is Errecart.

Chairman Martinez thought something to consider was the classification of arterials based on the speed limit. Our arterial in comparison to a Reno arterial is significantly different. Some of our major arterials might be moving at 25 mph or even 35 mph, so we might be able to relax this a little. Moving on, we spent the last year talking about how the corridor is restricted on parking and how a lot of businesses are opposed to the proposed plan for the downtown corridor. The existing code does not even allow residential parking in the corridor, so adding this is a positive step. He felt a business impact statement also needed to be done for this.

Catherine Wines, 421 Railroad St., already spoke to a couple people on this board. We are trying to encourage mixed-use downtown because if you have people living there it won't be a dark empty place. Additionally, the people that live there will use the businesses there. We are lucky to have that parking corridor, but her particular building only uses approximately 12 spaces during the day. If she had residential next door they could use the parking spaces at night. It's called shared-parking. Getting back to the empty lot next to Donuts 'N Mor, it's a 10,000 sq. ft. lot. If they had one floor with three residential units, those would be 3,000 sq. ft. each. Think about how big your house is, that's not a logical apartment. She felt changing it to allow 9 or 10 units would be good. In Elko, an apartment downtown would be occupied by young, single, entry level people. Mixed-use is crucial to the future of our downtown because it's pretty close to dead. You need to have people there 24 hours a day. She also felt we need to get away from the notion that we can't park on-street. We're putting asphalt on really valuable property, and it's an irresponsible use of land. If you have an old house in the tree streets that you want to turn into a duplex you have to pave the entire yard to provide parking.

Commissioner Dalling wondered why if the downtown was lucrative enough to develop housing nobody has done it. Jim Winer owns the property by Donuts 'N Mor and wants to put a real estate office there. He was worried that if they relax it more in hopes of Mr. Winer putting in a big apartment complex then anybody could go in later on a different parcel and it will be a free-for-all.

Ms. Wines said her building is 30' x 90'. If she wanted to change the upstairs to apartments she could probably do two studios and three one-bedroom apartments. However, there's no place to park, so right now she couldn't do that. You're limiting existing buildings and that development.

Travis Gerber, Gerber Law Offices, 491 4th Street, representing Sonora, LLC felt there was a consensus that this is key to the revitalization of downtown. There is interest to develop residential downtown. However, to date there hasn't been a big interest because it isn't lucrative. We want to encourage something that's not the highest-earning use of the property. In particular, Sonora is interested in rebuilding a whole new building on the corner of 5th and Idaho Streets with commercial on the ground level and two additional levels of housing. It's impossible to build a parking garage on that corner. Any new residential use downtown requires a conditional use permit. Therefore, they're asking the Commission to adopt an ordinance which looks at developments on a case by case basis to allocate parking through the conditional use permit process rather than applying an arbitrary restriction of three units per property regardless of the size of the property. His office is located next to the newest apartment renovation, the Guttry development on 4th Street. They added parking spaces on Court Street, and those parking spaces are very rarely occupied. The apartment uses are not competing with the daytime uses. The shared-use is working out better than he would've expected. Adopting that kind of an ordinance will allow you to determine what the individual daytime and nighttime uses are for that particular project and area. He also heard talk of the Elk's Lodge being ideal for apartments, but again there's no opportunity for parking to be created there. He urged the Commission to expand the area to not just those adjacent to the corridor, but half a block more so you could also have apartments facing Idaho Street. He echoed Ms. Wines' comments about the cleanliness and security with residential there.

Cathy Laughlin, 1243 Rockland Drive, co-owns the development Mr. Gerber just talked about. Those apartments were the easiest things she's ever rented. They did have an easier time renting out the one bedroom units, but she had such a long waiting list that she was able to pick and choose the tenants so they weren't home during the day. She was the one who brought this to staff's attention because they were looking at other properties in the downtown to develop. Regarding Mr. Draper's comment, yes it's true there are 74 properties along the corridor, but very few of them are two-story. There are several buildings on Commissioner Dalling's block who are currently non-compliant. We really want to see that mixed-occupancy down there. She didn't think anybody was thinking about doing a large apartment complex, maybe 10 units at the most. If you eliminate some of the upper floor businesses the impact is going to balance out. Even if you go as far as Idaho Street, Anacabe's has an apartment above which is non-compliant. If somebody purchased that building and went in to start remodeling, they'd have to get a conditional use permit and variance for no parking, etc. As a developer she would love to see this change.

Commissioner Becker commended staff for taking on this topic. He felt staff and the Commissioners had a lot to think about.

Mr. Wilkinson had a concern that if it becomes a long, drawn-out process we need to move forward with the rest of the changes, and save the residential for another amendment. The intent was to have a small start that would allow repurposing of some of the buildings adjacent to the corridor. Another thing to keep in mind is our approvals of commercial developments are based

on utilization of the parking corridor to meet their parking requirements. We have to be careful that we don't compromise a property right. An example was given earlier of a vacant property, but there are very little vacant properties downtown.

Chairman Martinez felt someone should make a motion to exclude the residential parking.

*****Motion:** Initiate an amendment to the City Zoning Ordinance, specifically Section 3-2-17 Traffic, Access, Parking, and Loading Regulations, and direct staff to bring the item back as a public hearing. As part of this motion, exclude proposed section I. Exceptions 3. Residential uses occupying floors, etc. at this time. **Moved by** David Freistroffer, **Seconded by** Jose Negrete. **The motion passed unanimously.**

A. PUBLIC HEARINGS

2. Review, consideration, and possible recommendation to City Council for Rezone No. 14-15, filed by MRP, LLC, for a change in zoning from PQP (Public, Quasi-Public) to CT (Commercial Transitional) to allow development of professional and medical offices, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of the intersection of Ruby Vista Drive and College Parkway (APN 001-620-058).

Pedro Ormaza was here a month ago and the Commission didn't like the zone he was requesting, so now he's requesting Commercial Transitional.

Mr. Draper explained this was withdrawn by Mr. Ormaza during the last meeting at the direction of staff. He pointed out, the original application for a General Commercial zone would have required a conditional use permit for all development abutting the residential district. The Commercial Transitional zone does not have this requirement. However, it is more restrictive in the allowed uses. He went through his memo recommending approval.

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

****Motion:** Forward a recommendation to City Council to adopt a resolution which approves Rezone No. 14-15 as presented.

Commissioner Becker's findings are the zone change is not in strict conformance with City of Elko Master Plan Land Use Component, but we do not need to consider that at this time. It is in conformance with City Code Sections 3-2-9 (B), 3-2-4-B and C, and the City of Elko Wellhead Protection Plan. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

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

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

Before the second, Commissioner Negrete read a letter of support from neighbors Brooke and Richard Matthews which is in the packets.

3. Review, consideration, and possible action on Conditional Use Permit No. 10-15, filed by Andrea Simpkins with authorization from R Hank Woody, LLC, which would allow a bar within a C (General Commercial) Zoning District located within the Central Business District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of the intersection of Idaho Street and 3rd Street (303 Idaho Street).

Andrea Simpkins is looking to revamp the building. She and her husband want to do a western themed bar/lounge. They will eventually have a menu. The owner is willing to help with the extensive remodeling, both inside and outside. Part of the problem in the past was with the underground gas tanks, but NDEP has done ground reports and they've passed.

Nitin Bhakta, 185 Idaho Street, representing the BR Sons' properties in the immediate vicinity, opposes the conditional use permit due to the proximity to surrounding motels. In particular, they are concerned about the parking. Even though parking for this business is allowed in the corridor, people will probably park at their businesses. The other reason is the bar reputation: noise, intoxication, etc. He also has two kids who play in and around the area, and he's concerned about drinking and driving.

Ms. Simpkins understands the concerns, but this is a commercial area with other hotels, casinos, and bars in the vicinity. She only plans on being open Thursday – Saturday from 6 p.m. to 2 a.m.; maybe Mondays during the football season. They are targeting 30 – 50 years old. This will keep them relatively close to the corridor and the downtown area. She is adding some parking on the lot, and is willing to post signs to deter parking at their businesses.

Mr. Ormaza said we want a revitalized downtown. Family friendly ice cream shops don't make a downtown active. If you go to Boise, after 9 p.m. it is adults eating, drinking, and hanging out versus other communities that roll up the streets at 9 p.m. That's not Elko. Elko is bars, brothels, and casinos. He was in favor.

Mr. Bhakta added having people hanging out drinking outside will deter people from wanting to stay at the motel.

Commissioner Dalling felt Mr. Ormaza stated it well. He didn't think about the hotels, but other than that it would be a good use. The building is an eyesore. The outdoor area is away from the motels and will maybe hold 20 people maximum.

Commissioner Freistroffer wants development downtown. However, one of the jobs of the Commission is to ensure that uses are compatible with existing uses. He didn't feel this was compatible. He felt the only condition that could be placed on this to make it compatible was that there not be music, which would defeat the purpose of a country western bar.

Commissioner Dalling wondered if he was only talking about outdoor music.

Commissioner Freistroffer said it wouldn't matter. Music with low pitched noises will travel through multiple walls, and people will not be able to sleep in the adjacent structure.

Commissioner Hooiman wondered what Mr. Bhakta would like to see there.

Mr. Bhakta had people talk to him about a fabrication shop or machine shop; something with set daytime hours that doesn't have noise after 6 p.m. Marvel & Kump have an outdoor area that gets rented a lot, and when it's rented the music goes on until about 11 p.m. to midnight. All three of their hotels hear it.

Commissioner Negrete likes the idea of the bar, but is also concerned about the parking. Additionally, he would avoid staying at the Thunderbird because of the bar, but if he were going downtown he would go to that bar.

Chairman Martinez thought they were all torn. That existing property was 2.8 feet away from the hotel when the hotel was purchased. He personally doesn't like being told what he can or cannot do with his property. However, the zoning requirements on the parcel in question restrict Ms. Simpkins from just coming in and opening up a bar. You have to come to us under a conditional use permit, and then depending on the verdict either open up shop or not. There was a similar proposal about 300 feet away that was denied under the impression that we were trying to preserve the downtown. This will impact the motels, so it's a big uphill battle. He can see both sides since that building has been vacant for years.

Mr. Wilkinson clarified that the bar on 4th and Idaho Streets was conditionally approved.

Several Commissioners once again highlighted that this is near a motel.

Mr. Wilkinson thought if they table it maybe the applicant can look into sound attenuation. As far as the intoxication issue, the Commercial is right across the street.

Commissioner Negrete said he would feel more comfortable if the applicant came back with a plan that mitigates noise, but also a plan for the parking situation.

Commissioner Becker said she is within her rights to use the corridor.

Commissioner Dalling felt a good concession was to not have outdoor music.

For Commissioner Freistroffer it would take some sort of certification from a professional engineer to show the noise will not disturb the pre-existing businesses.

Ms. Simpkins said when she met with the Building Department they suggested doing a cinderblock wall that spans the length and height of the back of the building. She plans on making the wall three feet above her building as well as only utilizing the front 2/3 of the building for the bar, and then installing a sound barrier wall on the inside back 1/3 of the building where they will install the bathrooms, offices, and a potential space for a kitchen.

Mr. Wilkinson asked her to bring something to the Commission to demonstrate she's addressed those concerns.

Mr. Draper pointed out the property owner has allowed other applications to come through, one of which is currently tabled for a zone change. Since we do have a letter from the property owner for this use we have basically deemed that application no longer in effect. He recommended conditional approval. This is within 400 feet of the downtown parking corridor, so no additional off-street parking is required. One thing that should be considered is mixed uses like Stockmen's, Commercial, and Red Lion where it's a bar downstairs and hotel rooms upstairs. As far as we're concerned, these types of uses are compatible. The noise ordinance, City Code Section 5-2-4, only applies to residentially zoned properties. If an officer gets a complaint from the hotel there's nothing they can do to enforce it because they're only looking at city code, not the CUPs. He wanted to add a fifth condition that parking at adjacent properties for this use is not allowed. The tenant shall sign their property such that it directs their patrons to use the parking corridor.

Mr. Thibault recommended approval.

Chairman Martinez wondered if Ms. Simpkins will have to provide ADA parking if she does provide parking.

Mr. Draper said yes if she provides more than four spaces.

Mr. Wilkinson concurred with everything Mr. Draper presented. He felt the proposed use wouldn't present problems with the proposed floor layout and recommended approval. You could relate this to Red Lion or Stockmen's.

Mr. Carson recommended conditional approval. He corrected that his memo was from 2015 not 2014. He wanted to make sure the applicant knew certain parts of the building have been identified as a structural hazard.

Commissioner Dalling pointed out the Haningtons were originally looking at this for a machine shop, but they bought the old muffler shop from the Wrights so they're not going to do that anymore. He remembers when a bar was approved next to his business on Commercial Street. Mr. Hanington was at that meeting with some noise concerns. The answer to Mr. Hanington was sorry. If that got approved how could we turn down this bar which is across from another bar?

Mr. Wilkinson said the G was in existence when Mr. Hanington decided to construct his apartment. There really was no difference between the approximation of the G to his apartment and the approximation of the proposed bar to his apartment. In this situation, the hotels were here before a bar was proposed.

Commissioner Dalling felt they could approve it.

Regarding the noise, Mr. Draper felt they could require that the wall along the kitchen, bathrooms, and office require some sound insulation inside the wall cavity. They already have to add insulation just to bring the building up to current code, and the roof needs to be redone.

Maybe we could also require some additional acoustical ceiling. Those little things will help address some of the concerns, but to just deny it based on a noise complaint wouldn't be appropriate.

Mr. Wilkinson added at a minimum you meet code requirements and then with a conditional use permit you can add conditions to try to mitigate concerns.

Commissioner Freistroffer said as presented he doesn't see this as compatible with the current use that is a few feet from it, and didn't feel they could condition it in a way that it could be compatible.

Commissioner Dalling felt they could require the insulated wall, but not an acoustic ceiling because that will require fire suppression above and below which adds to the cost.

Mr. Carson added you need to determine an acceptable level of sound. He felt the applicant was on the right track. The best way to mitigate sound is through mass.

****Motion:** Conditionally approve Conditional Use Permit No. 10-15 subject to the following conditions:

1. Conditions from Jeremy Draper's memo, with the addition of one condition stated by Mr. Draper, listed as follows:
 - 1) The conditional use permit is granted to the property owner(s) allowing for the use of the property as a bar.
 - 2) The permit shall be personal to the property owner(s) and applicable only to the specific use and to the specific property for which it is issued. 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 property owner records the conditional use permit.
 - 4) The conditional use permit shall automatically lapse and be of no effect one year from the issuance unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
 - 5) Parking at adjacent properties for this use is not allowed. The applicant shall sign their property such that it directs their patrons to use the parking corridor.
2. Conditions from Josh Carson's memo listed as follows
 - 1) The proposed building use qualifies as a change of use. Floor plan, use, and processes are shown for reference only. Approval of the Conditional use permit does not guarantee approval of referenced floor plan, use, or processes. A complete plans and documents package shall be submitted to the City of Elko Building Department for Fire Department review and approval.
 - 2) Fire protection may be required for the proposed use. Fire Protection shall comply with the 2009 International Fire Code chapter 9 and the Nevada Administrative

Code (NAC) 477. A separate plans and documents package is required for fire protection systems.

- 3) The building referenced is an existing building. Change of use qualifies this building to meet the required fire resistance ratings of the 2009 International Building Code for distance to property line. Modifications to the fire resistance rating may be required as directed by the City of Elko Building Department.
 - 4) Structural integrity of the building shall be evaluated by a qualified party under the direction of the City of Elko Building Department.
3. The applicant shall put in a cinder block wall to help satisfy the neighbors and also insulate.

Commissioner Dalling's findings are the conditional use permit is compatible with City of Elko Master Plan Land Use and Transportation Components, the City of Elko Redevelopment Plan, the City of Elko Wellhead Protection Plan, and City of Elko Zoning Sections 3-2-3, 3-2-4, 3-2-10(B), 3-2-17, 3-2-18, 3-8, and Title 9 Chapter 8.

Moved by Jeff Dalling, Seconded by Tera Hooiman.

*****The motion passed with Commissioner Freistroffer voting nay.**

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible recommendation to City Council for Final Plat No. 10-15, filed by Bailey & Associates, LLC, for the development of a subdivision entitled Autumn Hills involving the proposed division of approximately 2.8 acres of property into 13 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 west of Sagecrest Drive approximately 665 feet north of Mountain City Highway (APN 001-01F-318).

Mr. Draper pointed out there was one change between the preliminary plat and final plat dealing with the radius of the cul-de-sac. That did reduce the size of some of the lots, but they are still in conformance with City Code. He recommended conditional approval.

Mr. Thibault recommended conditional approval.

Mr. Wilkinson recommended approval.

Mr. Carson read conditions from his memo dated November 17, 2015.

****Motion:** Forward a recommendation to City Council to conditionally approve Final Plat No. 10-15 subject to the conditions in the Development Department's memo dated November 18, 2015 and the conditions read by Josh Carson, Fire Marshal listed as follows:

Development Department

1. The Applicant shall complete all required subdivision improvements within two (2) years. Approval of the Final Plat shall expire if within two (2) years the applicant has not completed the required subdivision improvements. The applicant may request an extension of time as provided for under provisions of City code.
2. The Utility Department will issue a Will Serve letter.
3. Provide an Engineers Estimate for the required subdivision improvements.
4. Final approval for civil improvement plans.
5. State approvals for the subdivision.
6. A Performance Agreement with regard to the dedicated public improvements shall be in place **prior** to the City of Elko Certifying the Final Map as required in 3-3-44.
7. Appropriate security is required **prior** to the City of Elko Certifying the Final Map as required in 3-3-45.
8. Add a note providing a drainage and utility easement to all property lines, 7.5' along the front property line and 5' on all other property lines.

Engineering Department

1. Add the following drainage and public utility easements, 5' along all sides lot lines and rear lot line, 7.5' along the street right of way for Autumn Hills
2. Show the boundary of the city limits along the north and east boundaries of the subdivision.

Public Works

1. Public Improvements at time of development per city code.

Utility Department

1. Redline comments on the submitted civil plans

Fire Department

1. Fire Flow of 1500 GPM / 2 Hours has been determined based upon the maximum structure size of 3600 Square Feet.
2. Documentation shall be provided that the minimum required fire flow can be achieved and provided with the site improvement submittal package. A water flow test shall be conducted prior to final acceptance as required by the 2009 International Fire Code section 507.4
3. Fire hydrants are shown for reference only. The relocation and or addition of hydrants may be required. Final placement and quantity will be completed at site improvement submittal.
4. Fire Protection water supply providing the required fire flow and required number of hydrants shall be installed, tested, and approved prior to combustible materials on site as per the 2009 International Fire Code section 507.1 and 1412.1.
5. All weather Fire Department access shall be in place prior to the start of construction and storage of combustible materials on site.
6. Materials storage location shall be approved prior to entrance to site.

Commissioner Negrete's findings are the final plat conforms with the City of Elko Master Plan Land Use and Transportation Components, the City of Elko Redevelopment Plan, the City of Elko Wellhead Protection Plan, and City of Elko Zoning Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), 3-8, 3-2-9 (B), 3-2-17, and Chapter 3.

Moved by Jose Negrete, Seconded by Joe Becker.

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

II. REPORTS

- A. Summary of City Council Actions.
- B. Summary of Redevelopment Agency Actions.
- C. Professional articles, publications, etc.
 - 1. Zoning Bulletin
 - 2. Zoning Practice
- D. Preliminary agendas for Planning Commission meetings.
- E. Elko County Agendas and Minutes.
- F. Planning Commission evaluation. General discussion pertaining to motions, findings, and other items related to meeting procedures.
- G. Staff.

FINAL PUBLIC COMMENT PERIOD

There were no public comments made at this time.

NOTE: The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another specified date and time. Additionally, the Planning Commission reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Aaron Martinez, Chairman

Jose Negrete, Secretary