

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.S.T., TUESDAY, FEBRUARY 1, 2011
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The meeting was called to order by Chairman Jeff Thompson.

ROLL CALL

Present: Jeff Thompson, Rich Perry, Reece Keener, John Anderson,
Brent Elmore, Doug Owen, Alene Sutherland

City Staff: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Ed Wynes, City Planner
Scott Wilkinson, Development Manager
Mike Hecht, Deputy Fire Chief
Jeremy Draper, Civil Engineer

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: September 21, 2010 – Joint Workshop Meeting

Motion: Approve the September 21, 2010, joint workshop meeting minutes in their entirety

Action: Approve, **Moved by** Doug Owen, **Seconded by** Reece Keener

****The motion passed with Commissioner Elmore abstaining.**

October 5, 2010 – Regular Meeting

Motion: Approve the October 5, 2010, regular meeting minutes in their entirety

Action: Approve, **Moved by** Doug Owen, **Seconded by** Rich Perry

****The motion passed with Commissioner Keener abstaining.**

I. PUBLIC COMMENT PERIOD

This agenda item is to provide time for the general public to address the Planning Commission regarding items of concern not specifically listed on the agenda. Action cannot be taken at this time, but a matter can be set on the agenda for a future meeting, as appropriate.

There were no comments made at this time.

II. OLD BUSINESS

A. PUBLIC HEARINGS

1. Review and consideration of Variance No. 7-10, filed by National EWP, for the reduction of the required rear yard setback from ten feet (10') down to zero feet (0') in connection with constructing a steel wash out bay in an LI (Light Industrial) Zoning District. **ACTION ITEM**

The subject property is located generally northeast of the corner of Silver Street and Errecart Boulevard (580 W. Silver Street).

The applicant submitted a letter asking that this item be tabled.

Commissioner Perry said does there need to be a time limit on that? You can't table that indefinitely right?

Mr. Wynes said no, if we're not seeing anything within a couple of months I will contact them and if they are not interested we will simply take it off the agenda totally.

Commissioner Perry said maybe we could do a motion for four months or something, that would give them plenty of time and after that then it has to come back.

Chairman Thompson mentioned they've already tabled this twice.

Mr. Wilkinson said they've applied and have paid a fee and I think we should get a legal opinion on how that could be handled since there's some financial interest there.

Motion: Table Variance No. 7-10 to the March 1, 2011, Planning Commission meeting

Action: Approve, **Moved by** Rich Perry, **Seconded by** Doug Owen

****The motion passed unanimously.**

Chairman Thompson moved the discussion to agenda item III. B. 1.

III. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review and consideration of Variance No. 8-10, filed by Samuel Carlos and Crystal Limon, for a reduction of the required front yard setback from fifteen feet (15') down to zero feet (0') and the required side yard setback from three feet (3') down to zero feet (0') in connection with building an open-sided carport. **ACTION ITEM**

The subject property is located generally north of Bullion Road, approximately 1,355 feet west of Errecart Boulevard (678 Bullion Road).

The applicants made no comments at this time.

Mr. Wynes noted we would recommend that the variance be granted with the conditions listed in my memo. The opening is approximately 30'. They have enough room to put two cars in there and still have over three feet of separation between the edge of the building and the property line on the adjacent property.

Mr. Wilkinson noted our recommendation differs from the Planning Department's. We have eight conditions listed in my memo. The first four conditions are consistent with our Engineer's in his memo that's attached. Our Engineer looked at that and has included a file of record that shows a five foot easement along all lot lines. We're concerned about utilities being located in the front of that easement or a potential need in the future. Our recommendation is listed in my memo. If you didn't go by the site, the skeleton is constructed at this time, so there will need to be some rework done to that if these conditions are adopted.

Mr. Calder noted he concurs with the Engineering and Development Departments.

Chairman Thompson asked the applicants if they understand all the conditions and if they agree.

Commissioner Perry noted I looked at this and it's a little unclear to me. When we look at the sidewalk, there is a skeleton frame there now. What I heard from Planning is the 15' setback to 0' is ok, but what I heard from Mr. Wilkinson is from 15' to 5'. What's the front of that skeleton right now? Is that at five feet or is that at zero?

Mr. Wilkinson said I don't have a site plan that really shows that so we could only guess.

Commissioner Perry said the skeleton of the carport is parallel with the sidewalk now. It's right up to the sidewalk.

Mr. Wilkinson said we believe it encroaches into that easement at least by five feet and that's assuming the back-of-walk is built to the right-of-way line. We're not certain if there isn't maybe another foot or two of right-of-way, but we're going off the assumption now that the back-of-walk is at the right-of-way line.

Commissioner Perry asked if there were utilities beneath the sidewalk now.

Mr. Wilkinson said we don't have a USA Dig to know that, but typically your utilities are installed along roadways or back-of-sidewalk.

Commissioner Perry said there are fire hydrants along the street there, so I'm assuming the water line goes along that.

Mr. Wilkinson said yes the waterline's in the street. We know that, but we don't know if there are other utilities. Typically power is going to run along those walkways.

Commissioner Perry asked if the sidewalk was close to the five feet from the street.

Mr. Wilkinson said the sidewalk should be in the right-of-way.

Commissioner Perry said it's in the right-of-way, so the five feet is in back of the right-of-way. Presumably the skeleton, with your recommendations would have to be moved back five feet and moved off of the property line of the neighbor three feet.

Mr. Wilkinson said right. If you look at it now, not only do we need to meet Building Code requirements, but it also will drain onto the neighbor's property and you can't drain your storm water onto your neighbor's property like that. It needs to be relocated three feet off and then we're trying to preserve that easement in the front. I think Mr. Draper looked at it and thought they'd still have adequate depth even without the five feet back-of-walk. Another option is to vacate the easements.

Mr. Draper said going off the assumed property lines they have 22'. If we go back-of-walk they actually have 25' worth of depth there so if they do move that 5' off the back-of-walk that still gives them 20' for the car to be parked in. Our Code does recommend parking spaces at 9' x 20', so that does provide them adequate depth to get their car in under the carport.

Mr. Wilkinson asked the applicant what the depth of the current skeleton is.

Samuel Carlos said it's 27' wide by 24' long.

Mr. Wilkinson said we're going to be a foot shy. Could you add a foot to the back of it, towards the yard area?

Crystal Limon asked if they were talking about the concrete pad or the carport.

Mr. Carlos noted he could do that.

Mr. Wilkinson noted Mr. Draper didn't have a site plan, so he used Pictometry or ArcView to come up with his recommendation.

There was continued discussion about location and dimensions.

Mr. Wilkinson asked the applicants if they've had their property surveyed recently.

Mr. Carlos said he though it was about ten years ago.

Mr. Wilkinson asked if there were property pins, and then noted you'll need to be five feet behind that line.

Mr. Carlos noted someone from the City marked where the property line was.

Mr. Wilkinson noted they need to get their site plan done, and then someone from Staff will go out and try to help them.

Commissioner Perry asked if there was a need to abandon the easement.

Mr. Wilkinson noted that was not a recommendation, but just that it's set back to provide for the easement.

Commissioner Perry asked if the side walls were going to remain open.

The applicants affirmed that and asked if they needed a Building Permit.

Mr. Wilkinson noted yes, and also a site plan and structural plans.

Motion: Conditionally approve Variance No. 8-10 with the following conditions:

1. This variance is granted for a reduction of the required front yard setback from fifteen feet (15') down to five feet (5') from the property line but the required three feet (3') side yard setback must be maintained.
2. A building permit must be obtained for the proposed carport within twelve (12) months and construction to be completed within eighteen (18) months.
3. There can be no sidewalls on the carport.
4. Detailed plans must be submitted.

Commissioner Perry's findings are that the property is characterized by a specific circumstance or feature. The property was developed in such a way that there is not enough space between the home and the front property line to locate a full 20' parking space. The unique feature does result in a practical difficulty or hardship. There is not enough depth between the front property line and the porch. The circumstance is unique and does not generally apply to other properties in the area or vicinity. Granting of the variance will not adversely affect other properties or affect the public interest, health, safety or welfare, site distance, visibility, size, height, or mass of structure. Granting of the variance will not impair the purpose and intent of the Code. Granting of the variance will not affect natural resources. The variance is consistent with the Streets and Highways component of the Master Plan, Section 3-5-4 of the City Zoning Ordinance, Section 3-2-22 of the City Code on Variance Procedures and Section 3-2-3 (C) (6) of General Provisions.

Action: Approve, **Moved by** Rich Perry, **Seconded by** Doug Owen

**** The motion passed unanimously.**

2. Review and consideration of Rezone No. 1-11, filed by Karl Young, to consider a change in zoning from GI (General Industrial) to R (Single Family and Multiple Family Residential). **ACTION ITEM**

The subject property is located generally on the southeast corner of River Street and 10th Street (1012 and 1036 River Street).

Karl Young noted he cannot get financing to sell the property, refinance, or repair/remodel because of the zoning. He would like to sell it at some point. He doesn't want to put any more money into it because there is no return on investment.

Jim Ardans has concerns with the R zoning next to his property and how that might affect his property values, how that might affect the future use of his and this property, and concerns with the level of traffic and how the City and County may need to expand.

Mr. Wynes gave testimony to forward a recommendation to the City Council for approval.

Mr. Wilkinson noted his department struggled with this a bit because there is a 5-block area that is City, County and other industrial uses with only 2 houses encroaching into the area. The sole reason for forwarding a recommendation of approval is because of the financing issue. The area will be designated as mixed use in the new Master Plan. He then reviewed his memo and conditions, and asked Mr. Young about the property lines. He noted rezones must meet setback and lot size requirements or obtain a variance for the setbacks.

Mr. Ardans asked why the properties can't be appraised.

Mr. Wilkinson noted this is the 3rd property we've heard of where people can't get financing due to the zoning.

Mr. Young noted he was in the mortgage business and this needs to be commercially appraised, but banks won't accept a commercial appraisal for financing a residence.

Commissioner Perry noted we've had quite a few issues over the last few years with residents in this area. This was zoned industrial in the past, but historically residences have been there. Now if people want to modify or add to their property the industrial zone is not consistent with the use and the folks can't develop their properties without going through a CUP. Between that and mortgage issues, this is forcing folks into not being able to repair their homes. The new Master Plan looks at a mixed use for the area.

Mr. Ardans wondered if this can be rezoned in the future.

Mr. Wilkinson noted it would need to go through the approval process and we cannot guarantee that.

Commissioner Perry noted a future owner could ask to have it rezoned to Light Industrial. A recommendation was made by Mr. Wilkinson that the lots be merged into one parcel. If the applicant wanted to merge all the lots into one lot can we do a motion to decide what works best for him?

Mr. Wilkinson noted I don't know his financial affairs, but if the buildings do not meet setbacks then merging into one parcel may take care of that issue.

Chairman Thompson had questions regarding City Council approval and being code compliant.

Mr. Wilkinson noted we need to meet code for rezones.

Chairman Thompson advised Mr. Ardans of the appeals process and let him know he can speak at the City Council meeting instead.

Motion: Forward a recommendation of conditional approval to City Council for Rezone No. 1-11 with the following conditions:

1. The lots comprising the area for APN 001-368-001 are merged into one parcel eliminating future building code and property line conflicts.
2. The lots comprising the area for APN 001-368-002 are merged into one parcel eliminating future building code and property line conflicts. If the area is less than 5,000 sq. ft. the City Council will have to authorize Staff approval of the map.

3. The property owner submit a site plan showing dimensions, areas and setbacks from property lines to the existing structures and obtains the appropriate variances for existing conditions or employs other means to address any setback requirements.

Commissioner Perry's findings are this rezone is consistent with the Land Use component of the Elko City Master Plan, the Streets and Highways component of the Elko City Master Plan, Section 3-2-12 B – GI (General Industrial District) of the City of Elko Zoning Ordinance, Section 3-2-5 E – R (Single Family and Multiple Family Residential District) of the City of Elko Zoning Ordinance, and Section 3-2-21 Amendments of the City of Elko Zoning Ordinance.

Action: Approve, **Moved by** Rich Perry, **Seconded by** Doug Owen.

****The motion passed unanimously.**

B. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

1. Review and consideration of Curb, Gutter and Sidewalk Waiver No. 1-11, filed by Northern Nevada Equipment to waive the installation of required public improvements along West Idaho Street frontage. **ACTION ITEM**

The subject property is located generally on the south side of West Idaho Street approximately 1,170 feet west of Mountain City Highway (1343 W Idaho Street).

The applicant submitted a letter asking this item be withdrawn from the current meeting in order to make changes to the application for resubmittal.

Motion: Table Curb, Gutter and Sidewalk Waiver No. 1-11 to the March 1, 2011, meeting

Action: Approve, **Moved by** Rich Perry, **Seconded by** Doug Owen

****The motion passed unanimously.**

Chairman Thompson moved discussion to agenda item III. A. 1.

2. Review, consideration and possible approval of the Calendar Year 2010 Annual Report of Planning Commission activities to the City Council. **ACTION ITEM**

Mr. Wynes went over the report noting the last few years we were down. Most applications were home occupations. Some things are up while parcel maps are down. Total fees from applications were \$10,510. Some of the items we went through this year were tough like the apartments, all were appealed except one.

Motion: Approve the Calendar Year 2010 Annual Report and forward a recommendation to City Council

Action: Approve, **Moved by** Reece Keener, **Seconded by** Doug Owen

****The motion passed unanimously.**

3. Review, consideration and development of the Calendar Year 2011 Planning Commission Annual Work Program, and matters related thereto. **ACTION ITEM**

Mr. Wynes noted last year we pruned out some of the old items from the previous work program and we added what we felt was important.

Chairman Thompson noted it takes a long time to do these projects.

Commissioner Perry noted he would like to throw out Zoning Ordinance review and update. We should add a multifamily district to the ordinance to address all the requests we have received for CUPs in the R Zone. Most cities have multifamily zoning. He gave an example of Reno. Ours is not a good continuum from low to high density designations in our ordinance. We should add a multifamily zone to our code and how that fits into our town and our R zone and matches our Master Plan.

Chairman Thompson asked if a workshop with City Council on this item would be useful.

Mr. Wilkinson feels that the Planning Commission should work on it and forward a recommendation to the City Council. Mr. Wynes pulled up some information on how other cities use CUPs. It looks like they use quite a bit of that. We should look at what triggers CUP and see how that fits into ours and our new Master Plan definitions.

Commissioner Perry feels that this should be done after the Master Plan is approved. Please add that to the work program.

Motion: Approve this work program and add a bullet to review our R Zones after the Master Plan update adoption and forward to City Council.

Action: Approve, **Moved by** Brent Elmore, **Seconded by** Reece Keener

****The motion passed unanimously.**

IV. REPORTS

A. Summary of City Council Actions.

Mr. Wynes noted City Council approved zone changes No. 6-10 and 7-10, and approved the preliminary subdivision filed by Bailey and Associates at the last meeting. There are appeals on the two most recent apartment projects.

B. Summary of Redevelopment Agency Actions.

Mr. Wynes noted the RDA will meet to consider a recommendation by the RDAAC for an open container liquor ordinance. The following meeting will be regarding the possibility of adopting the Master Plan.

There was an update on the Idaho Street project.

There was a question about the RDA, what is the 1st project is going to be, and tax increment progress.

- 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.

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.

V. ADJOURNMENT

There being no further business, the meeting was adjourned.

Jeff Thompson, Chairperson

Reece Keener, Secretary