

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**6:30 P.M., P.S.T., TUESDAY, MARCH 2, 2010**  
**ELKO CITY HALL, 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 Present:** Ed Wynes, City Planner  
Delmo Andreozzi, Asst City Manager  
Scott Wilkinson, Development Manager  
Mike Hecht, Deputy Chief  
Curtis Calder, City Manager

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:** February 2, 2010- Regular Meeting

**Motion:** Approve the minutes of February 2, 2010, in their entirety.

**Action:** Approve, **Moved by** Doug Owen, **Seconded by** Brent Elmore.

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

**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. NEW BUSINESS**

**A. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS**

1. Review, consideration and possible transfer of Conditional Use Permit No. 2-97 from Elko Ready Mix to Modern Concrete Inc. **ACTION ITEM.**

The location of said property is generally 1600' northeast of the intersection of 12<sup>th</sup> Street and Sharps Access Road (1777 Sharps Access Road).

Mike Shanks, Modern Concrete, 982 S. Wolf Creek Drive, said I've talked with Mr. Wilkinson about this and as far as I'm concerned everything that he's talked about is fine with us.

Mr. Wilkinson said this issue came up when we were looking at the application for the Temporary Use Permit. We took a look at the existing business and did a little research and found out that a Conditional Use Permit had been issued. We viewed this business as being similar enough in nature to suggest the Planning Commission transfer that Conditional Use Permit over to Modern Concrete. The question we had is if a Conditional Use Permit was required for the type of use that's going on right now, how can we issue a Temporary Use Permit ahead of the Conditional Use Permit? We looked at it and talked with Mr. Shanks about any concerns. The previous Conditional Use Permit had a lot of conditions attached to it; some of those are no longer relevant, some of them were never satisfied before the property changed hands but that would have been an issue with the City of Elko rather than the current owner. We're recommending that this Conditional Use Permit be transferred to Modern Concrete and that there be no conditions attached to it. Some of the conditions that would be relevant are going to be addressed as conditions under the Temporary Use Permit, so I believe by approaching it that way it satisfies the intent of the City when they issued the original Conditional Use Permit to Elko Ready Mix.

Commissioner Perry asked why a Conditional Use Permit was required on this one.

Mr. Wynes said this originally was a batch plant and in General Industrial a batch plant requires a Conditional Use Permit.

Commissioner Perry asked if there was a mechanism for transferring a Conditional Use Permit in the statutes or ordinances.

Mr. Wynes said by code it simply says that the Planning Commission shall transfer. It does not give the mechanism.

Mr. Wilkinson said when you look at Section 3-2-18: Conditional Use Permits, it says the Planning Commission may transfer a Conditional Use Permit to a new property owner. It doesn't say Staff may transfer, so I believed it needed to come back to the Planning Commission for consideration. When the Planning Commission issues a Conditional Use Permit it is specific to the permittee, the property and the type of use. It runs with the land so that use for a batch plant has been conditionally approved by the Planning Commission in the past through the public process. You have a new owner. Rather than mixing the ingredients on-site they actually do it in their truck at the job site, but it's still a batch plant. They're batching materials. We believe the Planning Commission may transfer that Conditional Use Permit to the new owner which is Modern Concrete.

Commissioner Perry said I was just looking for the mechanism of why it was before us and it makes sense.

Chairman Thompson said I think as long as the use doesn't change they still need the Conditional Use Permit for their business.

Commissioner Perry said so the motion per say is a motion to transfer CUP No. 2-97 from Elko Ready Mix to Modern Concrete.

Commissioner Keener said I noticed in your recommendations that a water meter will be required. Do they currently have a water meter now?

Mr. Wilkinson said that would be my memo for the Temporary Use Permit.

**Motion:** Transfer Conditional Use Permit No. 2-97 from Elko Ready Mix to Modern Concrete with the attachment of Mr. Wilkinson's memo dated February 24, 2010, with findings of Section 3-2-18 (A) (5) and Section 3-2-18 (D).

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

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

2. Review and consideration of a request for Temporary Use Permit No. 1-10 filed by Modern Concrete, Inc., to allow the placement and use of a trailer and continue the use of an existing trailer for administrative offices on a temporary basis and matters related thereto. **ACTION ITEM.**

The location of said property is generally 1600' northeast of the intersection of 12<sup>th</sup> Street and Sharps Access Road (1777 Sharps Access Road).

Mike Shanks, Modern Concrete, said I spoke with Staff and we have no issue with most of these conditions. We have an existing trailer we've been using for about eight years that we didn't realize there wasn't a permit on. We came to get a Temporary Use Permit for a new trailer and found out that we needed it for both. The ultimate plan is to build a nicer office and shop. We'd like to do that within the next couple of years; hopefully next year if the economy's alright and we can do it. That's the goal. One of the conditions on this is that we provide appropriate parking for our employees. We have no issue with the ADA that's non-negotiable, but as far as for the rest of the employees we'd like a gravel parking area to be adequate. One of the reasons we ask that it just be gravel is that whatever we put in there we're ultimately planning on taking out and it is General Industrial. Our neighbor has a similar situation where he has ADA parking but no all-weather surface parking. We feel it is fairly consistent for the type of operation we're at and it is going to be temporary. When we move into the new building we'd certainly want to put concrete for the parking. That's the only condition I'd want you to consider and I'm not sure exactly what's meant by appropriate but I assume it means all-weather.

Mr. Wynes said Staff has reviewed this and in discussing it with Mr. Shanks we do recommend approval subject to the conditions as outlined. The two that we are addressing specifically are those that Mr. Shanks has already addressed but we will address as a condition that being that ADA parking and access be provided to both of the trailers.

Mr. Wilkinson said we're recommending a conditional approval. I have a revised memo dated February 24, 2010, that we should be looking at rather than the one in the packet. The revisions have to do with development of Sharps Access. We took a hard look at Sharps Access the way it's recorded. It's a private access easement for the benefit of some parcels down there. At one time it was a Public Access and Utility Easement. The City actually allowed that to be changed

just to a private access just for the benefit of the parcels down there. There's another file that actually stipulates that the maintenance of that access easement, the costs associated with that are borne by two parcels down there. With regard to public improvements on Sharps Access, at this time we don't feel they are appropriate or that we would even be able to require them so I took reference to those issues off the memo in the revision. My third condition would be one to discuss. Mr. Shanks has asked for relief from the hard surface parking that would be required under Section 3-2-17 of City Code. What we took a look at is he would need the ADA parking but in addition to that, one hard surface space for every three hundred feet of usable floor area. Mr. Shanks has asked the Planning Commission to consider a compacted gravel area to allow for employee parking with the understanding that if he developed a permanent building then he would have to comply with all the code requirements at that time. That is up for your consideration. We'd ask for site and civil improvement plans that would show parking, be compliant with that section of code and then show the utility taps for the trailer. We would still need plans that show the ADA parking and access to the building. They'll be required to get an electrical permit from our Building Department and we'll need to approve that site plan that goes with it. The rest of the conditions that are listed would all be appropriate in your recommendation. What we have to discuss is whether hard surface parking would be required at this time or not. Hard surface parking would be consistent with the Temporary Use Permit for FedEx and one of the conditions that was more recently placed on the Beehive Communication Temporary Use Permit, although they've never followed up with that. Just a little more information to help you with your decision making

Chairman Thompson asked if neither FedEx nor Beehive has followed up with that.

Mr. Wilkinson said because of the extent of the public improvements that were required with the FedEx development, their Temporary Use Permit was for five years and I believe that's coming due here shortly. We'll have to evaluate that. They've not submitted plans for a permanent building and so we'll have that issue to deal with as we work through, I believe they're going to try to request an extension. Then with Beehive we had conditions not only addressing the parking and access to the building but public improvements because we have a public right-of-way and designated streets there on that one, which differs from Sharps Access here. They had a representative at that meeting and they were to follow up and contact the Development Department to get a better understanding of what all those improvements would entail. I haven't heard anything from them and I don't believe our Planning Department has heard anything from them either.

Chairman Thompson asked if the Temporary Use Permit would be for a shorter period of time or until they decide to put a building on it.

Mr. Wilkinson said I believe the Planning Department's recommendation is for two years. Originally, when I was looking for improvements for Sharps Access I was recommending five years or less to be consistent with what we did with FedEx, which would provide an opportunity for a business to overcome that initial cost before they move into a final building stage, although this is an established business so it's not quite similar to FedEx. That was kind of a trial run to see if it would work out at that location, is why I believe why they wanted that Temporary Use there, although they did all the improvements to Idaho Street and to the site; fencing, hard surfacing for parking, ADA access and so forth. I don't have a recommended time in my revised memo.

Mr. Hecht said all we had was to maintain the Fire Department access and that we get in on any fire and life safety inspections when they submit the plans because it should be the State that does the inspections on it since it is a manufactured building.

Mr. Andreozzi said echoing what Mr. Wilkinson said, the key difference with this location is these types of improvements certainly would be isolated in that general area as opposed to some of the other applications we've seen where the right-of-way is improved in front of it. If the Temporary Use Permit is for two years you'd have an opportunity to revisit this again in two years even if they didn't have plans to build a building at that time but they wanted to explore the possibility of an extension, that could be a time where you'd say we've given you a little bit of time to address this.

Commissioner Perry said can you be ADA compliant with a gravel surface?

Mr. Wilkinson said no, the ADA parking and the access from the parking to the building will have to be hard surfaced. They can use concrete or asphalt to do that. That's a designated spot. It's well marked so it wouldn't be used by other employees. I think what he's asking for is that the other parking requirements be a graveled area rather than hard surfaced with a parking stall striped.

Commissioner Perry said one of the recommended conditions is the applicant records a Boundary Line Adjustment. I see on the survey map here that you show that boundary line adjustment, but is that something you've already negotiated with your neighbor? Have you bought that?

Mr. Shanks noted they own it.

Mr. Wynes said we have a map in our office for the Boundary Line Adjustment that will be processed once this application has been cleared.

Commissioner Perry said you mentioned that you were planning on tearing this up afterwards, so are you saying you don't want to put permanent surface on this because you're going to tear it up and that's where you're going to put your permanent building two years down the road?

Mr. Shanks said our permanent building is going in a different spot. I just don't want to put a big pad down there and then rip it out in two years. It could come that we want to permanentize the trailer and then we'd put in those improvements but I just don't know what we're going to do right now.

Commissioner Keener said I've been out to the subject office before and it's much like a mine site. It's my opinion that a hard surface requirement would be a total waste of resources. It doesn't matter what you put down there, it's going to be covered with mud and dirt in a short period of time due to the nature of the environment around there.

Commissioner Sutherland said you had mentioned that there was ADA access at a neighboring building. Is that close enough that you could use that?

Mr. Shanks said I submitted some 11"x17" site plans. What we're proposing to do now is a little different than what you see, but it's to put access for the new trailer and then build a deck that extends to the existing one so that we'd have one ramp that would access both trailers. It's kind of what you see there but instead of concrete where you have a ramp in the middle that allows you to go to either direction we just put one on the south end of the new building and then just build a deck so it's continuous across.

Mr. Wilkinson said if entertaining a motion with regard to the hard surface parking requirement, I would suggest you use language that you're deferring the hard surface parking requirement for the length of the Temporary Use Permit rather than have the intent be that it's waived.

\*\*During the motion Commissioner Perry asked if Section 3-2-17 was for hard surfaced parking or utilities and if a FEMA map of revision was required due to this being Industrial Zoning and there is no residential.

Mr. Wilkinson said the activity they're proposing would not trigger a map of revision but a soft-set is to be anchored and resist the flood and the requirements in FEMA are not spelled out very well with this type of situation.

**Motion:** Conditionally approve Temporary Use Permit No. 1-10 with following conditions:

1. That the Temporary Use Permit is valid for a two (2) year period from the date of this meeting.
2. That the applicant shall provide approved ADA access and parking for both trailers and that ADA parking place will be hard surface.
3. The applicant shall provide adequate approved parking for all of their employees and during the life of this Temporary Use Permit that parking can be gravel parking.
4. That the applicant records a Boundary Line Adjustment or other appropriate map eliminating the building property line conflict.
5. That the applicant submits site and civil improvement plans for review and approval by the City of Elko. The plans are to be in conformance with Section 3-2-17 of City Code and show the appropriate utility connections with one exception being that the employee parking be allowed to be a gravel surface for the life of the Temporary Use Permit.
6. A water meter will be required on the surface.
7. The applicant completes site and civil improvements prior to a Certificate of Occupancy.
8. The applicant applies for and obtains all required permits including FEMA requirements for buildings not on a permanent foundation.
9. The applicant pays all appropriate utility fees.

Commissioner Perry's findings are that Temporary Use Permit No. 1-10 is consistent with City Code Section 3-2-3 (C) (5).

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

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

3. Review, consideration and development of the Calendar Year 2010 Planning Commission Annual Work Program, and matters related thereto. **ACTION ITEM.**

At the February 3, 2010, meeting, Planning Commission tabled this item and directed City Staff to refine the priorities and listings of the 2010 Work Program and resubmit to the Planning Commission for further action.

Mr. Wynes said at our last meeting we started this and we had several people making recommendations for changes and as a result we have revised it extensively, cut out a lot of things which made it easier to read, and brought it back to you in a format I think everybody agrees this is what is critical and needed.

Mr. Calder said I might add one item under Special Projects. I'm not sure if it will hit during the 2010 time frame, but certainly the year after for sure. If the City is successful in obtaining the Union Pacific right-of-way, which we're currently getting an appraisal on, I see the Planning Commission and the Planning Department assisting with the actual acquisition of the right-of-way as well as the title and possible zoning and redevelopment issues along the way.

Commissioner Perry said what are you looking for as far as the actual action?

Mr. Calder said it would be something to the effect of provide support and assistance in the Union Pacific right-of-way acquisition and matters related thereto.

Chairman Thompson said I'm sure that will take a while to go through that acquisition.

Mr. Calder said we're expecting the appraisal to be completed this month. Once the appraisal's completed we're going to have some numbers to work with and the City Council will be involved in the actual financial side of it, but assuming we can acquire that right-of-way then there are some federal legislative things that have to happen and perhaps once we have the right-of-way in hand the Planning Commission and the Planning Department, in conjunction with whatever the new Master Plan recommends, there will probably be quite a few things to work on just with that. You're talking sixty plus acres in the heart of the city with a lot of infrastructure challenges and some existing leases that may or may not be there down the road but certainly from a Redevelopment perspective there's going to be a lot of planning involved in how that develops.

Chairman Thompson said with the federal government getting involved I'm sure we'll have time to figure out what those matters are.

Mr. Calder said the hard part's acquiring the right-of-way, that's what's going to cost the City money and once we have that in hand you can probably anticipate about a year before we acquire title as it goes through Congress to make that happen. That side of it doesn't really cost us a lot of money but there is a front end cost to that right-of-way and we're just trying to determine what that is now and hoping the price is within reach for us to be able to get that property.

Chairman Thompson asked if there have already been negotiations.

Mr. Calder said we've had negotiations on and off through the years but the philosophy of Union Pacific has changed in the sense that if they don't have rail they don't want the property necessarily but in this instance they have properties that are generating revenue for them through leases so they just don't want to give that away. They're making I think it's about \$300,000-

\$400,000 a year on the leases they have now and they want some compensation for us to acquire those. Once we acquire the right-of-way we'll have the leases as well and we'll use that money as an offset for the purchase of the right-of-way but be that as it may it's going to be a pretty big number and will probably require at least some medium term financing and perhaps even a bond to make that happen. Union Pacific is open to it and I think they're open to giving us a pretty good deal and it opens up a lot of planning opportunities such as the extension of Silver Street into Manzanita and of course opening up a lot of possible light industrial or industrial property on both the east and west ends of the community. This potentially could be a huge planning issue and certainly a redevelopment issue but from a community planning perspective it's got a lot of opportunity and a lot of challenges. I'm kind of involved on the easy part which is the acquisition of it. Once we acquire it, what do we do with it, that's the next thing and we will acquire actual property with that that we would want to get into the hands of the private sector to develop.

Chairman Thompson asked how much acreage was involved.

Mr. Calder said it's over sixty acres combined between the east and west sides. It's all the property between Third Street and Silver on West Main Street and the property that goes between Twelfth Street and Manzanita where the Gallagher Storage Sheds are and behind Wendy's, so there's a lot of vacant land on the east side, not so much on the west side.

Commissioner Perry said let me propose some wording here: provide support and a planning strategy in anticipation of the Union Pacific right-of-way acquisition to the City of Elko.

Mr. Calder said that will be fine. I just think it should be acknowledged on this work plan because we're coming up on it pretty fast.

**Motion:** Approve and forward to City Council, the calendar year 2010 Planning Commission Annual Work Program as presented with one addition to Special Projects that reads as follows: Provide support and a planning strategy in anticipation of the Union Pacific right-of-way acquisition to the City of Elko.

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

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

### III. REPORTS

#### A. Summary of City Council Actions.

Mr. Wynes said there was no Planning Commission activity at the last meeting.

#### B. Summary of Redevelopment Agency Actions.

Mr. Wynes said the RDA did not meet but the RDAAC is reviewing and working towards a list of proposed design elements for the consultant to use, if and when we do hire a consultant to prepare some design guidelines for the downtown area.

#### 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.

Commissioner Keener noted the County opens their meetings with the Pledge of Allegiance.

Chairman Thompson said we talked about that last time.

Mr. Wynes noted it is on the agenda.

Chairman Thompson said we'll definitely do that next time.

Commissioner Perry said with regards to the consultant that was hired for the Master Plan update, is there any status on that since our last meeting?

Mr. Andreozzi said we are still working on negotiations but are very close to finalizing that. We had a couple clarification issues and I'm waiting to hear back from our Legal Department to make sure they have a green light. I sent an email yesterday mentioning there is a lot of anticipation and anxiety for us to get going on this so we really appreciate all your help in trying to push this along. We're very hopeful we can get this before the City Council at the next meeting. It is moving along though. This is very complex and there is huge scope of work. There is a lot of detail and a lot of information in there. We only have one chance to get this up front work right and want to make sure everybody knows what we're getting before we take it to City Council.

Commissioner Perry asked if it survived budgeting issues.

Mr. Andreozzi noted yes.

- 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.

#### **IV. ADJOURNMENT**

**There being no further business, the meeting was adjourned.**

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Jeff Thompson, Chairperson

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Reece Keener, Secretary