

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.D.S.T., TUESDAY, APRIL 5, 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, Reece Keener, John Anderson, Doug Owen,
Alene Sutherland, Brent Elmore (arrived at 7:23 PM)

Absent/Excused: Rich Perry

City Staff: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Ed Wynes, City Planner
Scott Wilkinson, Development Manager
Jeremy Draper, Civil Engineer
Josh Carson, Deputy Fire Marshall

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: November 2, 2010 – Regular Meeting

Motion: Approve the minutes of November 2, 2010, in their entirety

Action: Approve, **Moved by** Doug Owen, **Seconded by** Alene Sutherland

**** 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 public comments made at this time.

Chairman Thompson moved discussion to agenda item II. B. 1.

II. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review and consideration of a request for extension of Conditional Use Permit No. 2-10, filed by Head Start of Northeastern Nevada, to allow a preschool facility to be developed and operated in an LI (Light Industrial) Zoning District.

ACTION ITEM

The subject property is located generally southeast of the corner of 13th Street (Sweetwater Avenue) and Silver Street (APN 001-630-070).

The applicant's representative noted they just need an extension.

Mr. Wynes noted last year Staff wanted to see some design changes to the site plan, which were done. Staff recommends conditional approval with the five conditions as listed in my memo with the last two being new to the extension request.

Mr. Wilkinson noted we also recommend conditional approval for extension of the permit with the seven conditions listed in my memo. Number one is the only new condition. Is it plausible you'll be able to accomplish this within a year's time?

The representative verified they could.

Chairman Thompson asked if the Development Department's conditions duplicated the Planning Department's.

Mr. Wilkinson said no.

Mr. Hecht noted since these are modular units the inspections are done by the State, but we'd like for the Fire Department to be called in on all inspections for Life Safety.

Mr. Andreozzi noted we support the request to extend the CUP.

Chairman Thompson asked the representative if they were ok with all the conditions.

The representative verified they were.

Bob Morley, High Desert Engineering doing the civil improvement plans, wanted verification there were only two new conditions.

Chairman Thompson said yes and then adding the one about Fire Department notification.

Mr. Wilkinson noted the Planning Commission will need to add that one.

Motion: Conditionally approve the extension request for Conditional Use Permit No. 2-10 with the following conditions:

- 1) Conditions 1-5 as listed in the memo from Ed Wynes, City Planner dated March 17, 2011, stated as follows:
 1. That Conditional Use Permit No. 2-10 is approved for the location of a Head Start preschool in accordance with a revised submitted site plan labeled Exhibit "A", showing the location of the Trash Receptacle/Dumpster Areas, the location of the proposed sign, and any exterior lighting proposed for the site.

2. The modular building(s) brought onto the site shall be made permanent on the site.
 3. The Conditional Use Permit will expire if not activated (by obtaining a building permit for building foundations) within one (1) year of the date of approval.
 4. If no building permit for building foundations are obtained within one (1) year of the date of approval of this permit, this permit shall be void and a new CUP application will be required if necessary.
 5. This application is for the Head Start of NE NV only, and if the property is sold in the future this CUP ceases to exist upon the sale of the property.
- 2) Conditions 1-7 as listed in the memo from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner dated March 30, 2011, stated as follows:
1. The extension is granted for a period of one year.
 2. Paving past centerline will be required on both Sweetwater Street and Silver Street. Public Improvements are required.
 3. All requirements set forth in Section 3-2-17 shall be adhered to as required under Section 3-2-12A (8) of City Code.
 4. Landscaping will be required per Section 3-2-12A (10) of City Code.
 5. The shown fencing may restrict fire fighting access to the rear of the buildings. Appropriate access accommodating fire fighting access will be required.
 6. The Developer is to submit plans as appropriate for review and approval by the City of Elko.
 7. The applicant is able to obtain the required building permits from the City of Elko.
- 3) Fire Department notification prior to inspection.

Commissioner Owen's findings are this conforms with the applicable Master Plan and City Code Sections: Land Use component, Streets and Highways component, Section 3-2-12A (E), Section 3-2-17, and Section 3-2-18.

Action: Approve, **Moved by** Doug Owen, **Seconded by** Alene Sutherland

****The motion passed unanimously.**

2. Review and consideration of Rezone No. 4-11, 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 River Street).

The applicant had no comments at this time.

Mr. Wynes went over the history of the property as shown in his memo. He recommended the Planning Commission pass on a recommendation to rezone this property to the City Council.

Mr. Wilkinson went over his memo. We recommend a conditional approval with the two conditions listed in my memo.

Mr. Andreozzi noted Public Works supports the rezone application as presented.

Chairman Thompson asked what this was designated on the new Master Plan.

Mr. Wynes noted Industrial.

Chairman Thompson noted there was a lot of residential there and asked where mixed use starts.

Mr. Wynes noted about Silver Street. At the present time this area is classified as Commercial for Land Use. Across 10th Street it is classified as High Density Residential.

Chairman Thompson said so if he sold it later the new owner could come back for rezoning on that also.

Mr. Wynes said that's correct.

Chairman Thompson said it would be hard to sell as is.

Mr. Wynes said as it sits right now he can't get it appraised for residential, the only appraisal he can get is a commercial appraisal which the banks and lending institutions don't recognize for residential developed property.

Motion: Forward a recommendation of conditional approval for Rezone No. 4-11 to the City Council with the following conditions:

1. Conditions 1-2 as listed in the memo from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner dated March 29, 2011, stated as follows:
 - 1) The Parcel Map filed under application 4-11, merging the lots comprising the area for APN 001-368-001, is recorded prior to the City signing and attesting the rezone resolution.
 - 2) The property owner obtains Planning Commission approval for the setback variances prior to the City signing and attesting the rezone.

Commissioner Keener's findings are this is in conformance with the Land Use component of the City Master Plan, Streets and Highways component of the City Master Plan, Section 3-2-12B of the City of Elko Zoning Ordinance, Section 3-2-5 E of the City of Elko Zoning Ordinance, and Section 3-2-21 of the City of Elko Zoning Ordinance.

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

****The motion passed unanimously.**

3. Review and consideration of Variance No. 2-11, filed by Karl Young, for a reduction of the required front yard setback from 15' down to 11.4' for Building No. 1, the required front yard setback from 15' down to 5.5' for Building No. 2 fronting off of 10th Street, the required side yard setback from 5.5' down to 0' for Building No. 2 and the required side yard setback from 5.5' down to 3.1' for Building No. 3, as a condition of rezoning the property 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 River Street).

The applicant had no comments at this time.

Mr. Wynes noted most of the buildings were built prior to the 1970s. Staff does not have any problems with this variance application and does recommend its approval subject to the conditions listed in my memo.

Mr. Wilkinson noted we also have a conditional approval recommended. I want to point out the wording because it's a bit confusing. One condition in the rezone application was that the Planning Commission approves a variance before the City signs off. Here we're asking that the rezone application is approved by the Planning Commission and the City Council, but although it's been approved it hasn't been signed and attested. Condition two is there for if some reason the City Council doesn't approve the rezone we don't have a variance that goes into effect. There is a third condition.

Mr. Andreozzi noted we support this as well. There are existing conditions and we understand that.

Mr. Draper noted we see this as existing conditions and recommend approval.

Motion: Conditionally approve Variance No. 2-11 with the following conditions:

- 1) Conditions 1-3 as listed in the memo from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner dated March 29, 2011, stated as follows:
 1. Rezone application 4-11 is approved by the Planning Commission and City Council.
 2. The variance application is not effective until the rezone has been signed and attested by the City.
 3. The variance is subject to Planning Commission review, if required, in two years.
- 2) The Variance is granted for the reduction of the required setbacks as shown on site plan labeled Exhibit "A".

Commissioner Owen's findings are this is in conformance with Streets and Highways component of the City Master Plan, Section 3-2-5E of the City Zoning Ordinance, Section 3-2-5E (G) of the City Zoning Ordinance, Section 3-2-5G of the City Zoning Ordinance, Section 3-2-22 of the Elko City Code, demonstration of special circumstances or conditions, special circumstances or conditions result in practical difficulties or hardship in the context of reasonable use of property, circumstances or conditions are unique and generally do not apply to other properties in the zoning district, granting of the variance will not be detrimental to the public good or adversely affect neighboring properties, granting of the variance will not impair natural resources, and granting of the variance will not compromise the purpose or intent of the Code.

Action: Approve, **Moved by** Doug Owen, **Seconded by** Reece Keener adding condition 2

****The motion passed unanimously.**

4. Review and consideration of Conditional Use Permit No. 1-11, filed by Codale Electric Supply, to consider the requirement for installation of a screen wall in connection with building an electrical supply warehouse and sales business in an LI (Light Industrial) Zoning District located within 150 feet of an R (Single Family and Multiple Family Residential) Zoning District. **ACTION ITEM**

The subject property is located generally northeast of the corner of Meadow Ridge Drive and Spruce Road (APN 001-660-118).

Chairman Thompson recused himself from this item due to conflict. Secretary Keener took over.

Commissioner Sutherland stated that she lives and owns property in the area, but was not close enough to get notified. She feels there is no financial impact on her property and would like to participate.

Floyd Fisk, High Desert Engineering representing the applicant noted he was here to answer questions.

Mr. Wynes noted we approve this application subject to the conditions listed in my memo.

Mr. Hecht wondered what the distance between the northeast corner of the building and the sound wall was. Is there fence along the east side? What will fence along Spruce Road do for access? Access to the back of the building is one of our big concerns.

Mr. Fisk noted the corner was 10' from the property line. The property line is right above the break in the slope. There is no fencing along the east side. The only fenced area is along the north and half of the west side.

Mr. Wilkinson noted they will need access on the northeast side for that back corner.

Mr. Hecht noted a gate would work.

Mr. Fisk noted this is for security as well as to screen the area, but we can work with the applicant.

Mr. Hecht noted it can be locked we just need access.

Mr. Fisk showed pictures of the fencing; precast concrete panels with paint.

Mr. Andreozzi noted you'll see this in Mr. Wilkinson's memo, but there is missing infrastructure. We're asking for landscaping, and trees along the residential side for buffering as the trees mature. We're requiring the parking lot and lighting to conform to Section 3-2-17 of City Code.

Mr. Wilkinson noted my recommendation regarding the fencing differs from the Planning Department's. We are recommending a conditional approval with the 11 conditions as listed in my memo. We talked with the applicant's Engineer and Developer about chain link fencing adjacent to the residential property because there is already existing fencing from the residential property.

Mr. Fisk said their intent is to use the sound wall around the entire yard as the plan shows.

Mr. Wilkinson noted I want condition one of our recommendations revised to say the shown fencing will be solid and aesthetics are to be considered.

Mr. Wynes noted my condition will not interfere with access into that rear portion.

Mr. Wilkinson noted my condition eight for trees was based on a chain link fence. If you're putting in a sound wall maybe we can relax that condition.

Mr. Andreozzi noted if they're going to have a solid wall the trees really won't serve any purpose.

Mr. Wilkinson said based on that comment I request condition eight be revised to exclude the requirement for trees adjacent to the residential property.

Mr. Andreozzi encourages the applicant to put some type of an application on the wall so it doesn't get vandalized.

Secretary Keener asked the applicant if they are agreeable to the conditions.

Mr. Fisk said they will be.

Commissioner Owen asked if the revised condition excludes trees on the north side or just trees in general.

Mr. Wilkinson noted adjacent to the residential property.

Secretary Keener asked if the second sentence of condition eight could be struck.

Mr. Wilkinson said yes.

Secretary Keener asked if the wall would be on three sides or two.

Mr. Fisk explained the sound wall location.

Motion: Conditionally approve Conditional Use Permit No. 1-11 with the following conditions:

- 1) The fencing adjacent to the parking area and Meadow Ridge Drive is to be continuous and solid. Aesthetics are to be considered for the section of fence adjacent to the parking area and Meadow Ridge Drive. The existing chain link fencing adjacent to the residential zoned properties is to remain.
- 2) Civil improvement plans are required for review and possible approval. The yard area is to be hard surfaced. The building is to meet the stipulated setbacks in Section 3-2-12 of City Code.
- 3) Architectural plans are required for review and possible for approval.
- 4) A soils report will be required.
- 5) A hydrology report will be required for the site. Landscaping areas are to be utilized for storm water detention to the extent practical.
- 6) The parking lot design is to conform to Section 3-2-17 of City Code and Fire Department's requirements for ingress and egress in addition to the site plan provided with the application.
- 7) All parking lot lighting is to be shielded or cut-off design.
- 8) Landscaping is required along the Meadow Ridge Drive and Spruce Road frontages. The landscaping adjacent to the residential shall be trees appropriately to provide screening as the trees mature. Landscaping is to meet the minimum requirements of Section 3-2-12(A) (10).

- 9) Slope stabilization will be required on all slope areas.
- 10) The exterior of the buildings should be comparable to elevation submitted with the application.
- 11) No access will be permitted off of Spruce Road.
- 12) Fire Department requires a gate on the north side for access.

Commissioner Owen's findings are this conforms with the Land Use component of the Elko City Master Plan, Streets and Highways component of the Elko City Master Plan, Section 3-2-3(J) of the City Zoning Ordinance, Section 3-2-12A of the City Zoning Ordinance, Section 3-2-17 of the City Zoning Ordinance, and Section 3-2-18 of the City Zoning Ordinance.

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

****The motion passed unanimously.**

Before the second to the motion there was discussion regarding Mr. Wynes conditions, but the motion was never amended.

5. Review and consideration of Rezone No. 5-11, filed by Brookwood Development LLC, to consider a change in zoning from AG (General Agriculture) to R (Single Family and Multiple Family Residential). **ACTION ITEM**

The subject property is located generally on the west side of North 5th Street, approximately 1,445 feet north of Rolling Hills Drive (APN 001-610-090).

Howard Schmidt, Draper, Utah, wanted staff to comment first.

Mr. Wynes went over the Review/Evaluation portion of his memo. Staff recommends approval of the rezone.

Mr. Wilkinson noted based on the road classifications we thought a CT zone would fit the property to the north of Rocky Road a little better, but another thing to keep in mind is the drainage is a limiting factor to carry that up North 5th St. We recommend a conditional approval of the rezone with the four conditions as listed in my memo.

Mr. Draper gave an overview his memo.

Mr. Andreozzi noted our awareness going through this subdivision process was heightened due to the Master Plan update. The four lots to the north could still be developed as four-plexes under the R Zone. Public Works does support this rezone as submitted.

Mr. Calder said no comments or concerns other than the legal description needing to be fixed.

Chairman Thompson asked if the size of the reciprocal access easements would determine what could be built; i.e. four-plex, duplex.

Mr. Andreozzi noted I don't know if we specified size, but we want the two parcels sharing access.

Mr. Wilkinson noted the preliminary plat should be modified.

Chairman Thompson asked if the easements would be maintained by the City.

Mr. Andreozzi said no.

Motion: Forward a recommendation of conditional approval for Rezone No. 5-11 to City Council with the following conditions:

- 1) Conditions 1-4 as listed in the memo from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner dated March 30, 2011, stated as follows:
 1. The owner is to address the discrepancy between the legal description submitted with the application and the legal description on file with the County Assessor's office as identified in the Engineering Department's memo dated March 23, 2011, prior to the City signing and attesting the rezone.
 2. Provide a written legal description.
 3. The number of residential lots will be restricted to four as shown on Preliminary Plat 2-11.
 4. Lot access to Rocky Road will be restricted to two reciprocal access easements to be shown on Preliminary Plat 2-11. Proposed lots 301 and 302 are to share access. Proposed lots 303 and 304 are to share access.

Commissioner Keener's findings are that the application is in conformance with the Land Use component of the Elko City Master Plan, Streets and Highways component of the Elko City Master Plan, Section 3-2-13, Section 3-2-5E, Section 3-2-9 B, Section 3-2-5 B, and 3-2-21.

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

****The motion passed unanimously.**

6. Review and consideration of Preliminary Plat No. 2-11, filed by Brookwood Development LLC, for the development of a subdivision entitled Brookwood Estates Phases 2 & 3 involving the proposed division of approximately 16.18 acres of property into 52 lots for single family residential development.

ACTION ITEM

The subject property is located generally on the west side of North 5th Street, approximately 100 feet north of Rolling Hills Drive (APNs 001-61I-044 & 001-610-090).

Mr. Schmidt noted this was approved about five to six years ago. The first phase was developed, but the economy was slow so there was no sense in moving forward. There's momentum again, so we brought it back in with some minor changes. There are some recommendations from Staff incorporated. I have a few issues about Staff comments, but we can come back to those after Staff discussion.

Mr. Wynes noted an agreed upon change was putting a bend at the corner of Valley Ridge Avenue and Braden Way instead of pushing the road through. There are a lot of double-frontage lots, but it forced itself into that based on the design of the first phase. There is going to be some kind of mechanism to restrict access onto 5th Street from those lots and there will be no access

into phase three along Rocky Road. Staff recommends the subdivision be forwarded to City Council with a recommendation to approve it and with the condition listed in my memo.

Mr. Wilkinson gave an overview of and explained his memo adding sewer getting to this point has always run in lower elevations. North 5th Street is a high point. Engineering and Utilities have been pretty aggressive in determining whether a sewer line in North 5th could even work to serve the property further north and the possibilities of how to serve that. Public improvements are required to the end of the property on North 5th Street, but there is a vertical curve as that dips down, so that may present some problems for the developer. We recommend a conditional approval with the conditions listed in my memo.

Mr. Draper stated Utilities and myself looked at this extensively mainly for servicing Section 5 and the remainder between Jennings and 5th Street. He then gave an overview of his memo.

Mr. Andreozzi noted the memos are very detailed. We are adjacent to BLM ground and this is all active permittee grazing property. We have a tremendous breach in this area since a previous phase of this subdivision and the advent of Adobe Middle School. We need to come up with a game plan to button this thing together. We've been very lucky most of the cattle haven't been down in this area, but when things dry out significantly and cows smell the green grass we could see cattle coming into the community again. We routinely get complaints about the condition of Rocky Road. It's a maintenance nightmare, so we would like to see that completed to a city standard. There was an obligation to complete that.

Mr. Schmidt noted the obligation with Rocky Road is going to take a little more time to work through. It's almost impossible to get development money right now. We should continue this discussion with City Council. As far as the sidewalk being offset on North 5th Street, there really isn't any other place along 5th Street where the sidewalk is offset. For that reason I would like to continue with what we've got.

Chairman Thompson asked if that was on the corner.

Mr. Schmidt noted North 5th Street has a wider right-of-way than the street size that's being built.

Chairman Thompson asked which condition he was referring to.

Mr. Wilkinson said number four of my memo under Roadways.

Mr. Schmidt noted there's typically right-of-way between the curb and gutter and property line. It's not a deal killer, but the concern is over years it becomes a weed patch.

Mr. Wilkinson noted if you ever need to widen the road you will have to deal with encroachments. People build their fences right to the sidewalk because they don't realize their property doesn't go that far. If you offset the sidewalk it helps preserve that. If we feel that's not needed we should abandon it. It also gets pedestrians away from the traffic. It may be a higher speed limit in this area. If we've made mistakes in the past we shouldn't continue to make mistakes. There are right-of-way issues on Jennings by the school. We thought a narrow road was more appropriate at the time, but with the development we're seeing we need full-width right-of-way.

Mr. Andreozzi noted generally speaking we try to have right-of-way stop about one foot behind the sidewalk with new subdivisions. The purpose is for water meters and things like that. The infrastructure is within the right-of-way. By contrast in the tree streets area a lot of the roadways are about 46' wide but the right-of-way is 80'. Ten to fifteen feet of landscaping is in our right-of-way. When we redid 5th Street it was very difficult and cost prohibitive to recapture some of that right-of-way. The idea is this will be a visual cue for property owners where they can put their fences. If fences were built correctly there would be a space of ground that is potential for weeds anyway. We have the same concerns about the weeds, but on a minor arterial it's a good idea to preserve that right-of-way.

Chairman Thompson noted lower 5th Street is kind of choked off.

Mr. Andreozzi noted at some point in the future this will tie in with Jennings, and Jennings will be a McCarran Boulevard if you will.

Mr. Wilkinson noted as Mittry gets extended up you will see a lot of traffic through this section of North 5th. It's probably appropriate to preserve the width at this time.

Mr. Schmidt noted the other concerns fall under Utilities. As far as the sewer extension, there's nothing to extend in 5th Street. Our entire development is well sewered, and if we put sewer in 5th Street there's kind of a bust. We go through a wash and the sewer won't flow. The only property that could be served by that sewer is the property on the east side of 5th Street, which I believe the City owns. It doesn't make much sense at this point. Fifth Street crowns and most of the other property is lower. That's a burden on the developer that doesn't serve the development and doesn't really serve the future.

Mr. Wilkinson noted we'll have to discuss this with City Council. We believe Code requires that and the Planning Commission doesn't have legal authority to deviate from that. There are some good points and we hear those as Staff, but City Council needs to make the final determination.

Mr. Schmidt noted he would like to discuss item four with City Council as well. With item 5 all the other water lines are 8" lines, so we'd be increasing to 10" lines for about three lots which doesn't serve much of a purpose. There's plenty of flow with an eight inch line.

Mr. Wilkinson noted that is also a Code requirement. In addition to serving the interior lots, the site plan shows the water line being extended up North 5th. There are some valid arguments. Did we discuss the public improvements the full length of North 5th?

Mr. Schmidt said we didn't because we don't know what to do at the end.

Mr. Wilkinson noted we can discuss that at Council also.

Mr. Andreozzi noted you could make it part of your motion for Council to consider those items.

Commissioner Keener asked if there were additional conditions that needed to be added based on discussion.

Mr. Wilkinson noted no, but you could support the developer's comments if you want. I agree with some of those concerns.

Chairman Thompson said you agree with some of their comments. Is that because of development further up, or non-development?

Mr. Wilkinson noted there are 8" pipelines in place, we're going to 10" and I don't believe we need any larger diameter in order to provide water service to the lots. Furthermore, it's being extended the full frontage. Typically we want 10". We're asking they extend the sewer line, which is being questioned. As far as the oversize lines the developer would be eligible for oversize for anything above 10". I hear the concern regarding the sewer line on North 5th. Over time we set the stage with developing these other subdivisions. For whatever reason we didn't take a look to say we need a larger main coming up, so when we got to the top all we'd be doing is branching off. Those decisions have come and gone and now we're faced with what we have today.

Chairman Thompson asked if it would be appropriate to have a condition that the applicant's concerns regarding utility sizing for water lines and sewer lines be considered. I don't know how to word it.

Commissioner Keener asked if the developer would be working with Staff before this goes to Council.

Mr. Wilkinson said we've had all those discussions leading up to the memo in front of you, and we believe this is the best we can present.

Chairman Thompson said everything's according to City Code, but the consideration for their concerns.

Mr. Wilkinson noted we wanted the developer being on record of what they disagreed with.

Motion: Forward a recommendation of conditional approval for Preliminary Plat No. 2-11 to City Council with the following conditions:

1. That the preliminary map approval shall expire unless the sub-divider presents a final map for all or a portion of the subdivision within two (2) years of the date of approval of the preliminary map by the Elko City Council.
2. Conditions 1-3 as listed in the memo from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner dated March 30, 2011, stated as follows:
 - 1) The Preliminary Plat submittal is revised based on exceptions identified above before the application is presented to the City Council.
 - 2) State of Nevada approval is required.
 - 3) Final Plat civil improvements are to comply with Chapter 3-3 of City Code.
3. The developer has disagreements with Staff with respect to utility sizing. Such concerns can be heard at the City Council level.

Commissioner Keener's findings are this plat is in conformance with the Land Use component of the Elko City Master Plan, Streets and Highways component of the Elko City Master Plan, Section 3-3 of Elko City Code, and Section 3-2-5E of Elko City Zoning Ordinance.

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

****The motion passed unanimously.**

7. Review and consideration of Rezone No. 3-11, filed by Nicolas and Betty Fagoaga, to consider a change in zoning from R (Single Family and Multiple Family Residential) to CT (Commercial Transitional). **ACTION ITEM**

The subject property is located generally on the northwest corner of Walnut and 7th Street (1515 7th Street).

The applicant submitted a letter asking that this application be withdrawn.

8. Review and consideration of Variance No. 3-11, filed by Nicolas and Betty Fagoaga, for a reduction of the number of off-street parking spaces required for office space within an R (Single Family and Multiple Family Residential) Zoning District. **ACTION ITEM**

The subject property is located generally on the northwest corner of Walnut and 7th Street (1515 7th Street).

The applicant submitted a letter asking that this application be withdrawn.

Chairman Thompson moved discussion to agenda item III.

B. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

1. Review and consideration of Revocable Permit No. 1-11, filed by Nicolas and Betty Fagoaga, to occupy portions of Walnut Street and 7th Street rights-of-way for required off-street parking in connection with office space. **ACTION ITEM**

The subject property is located generally on the northwest corner of Walnut and 7th Street (1515 7th Street).

The applicant had no comments at this time.

Leland Campsy who lives near the property in question asked if the current parking would be maintained.

Mr. Wynes noted the other two applications for the same property were withdrawn and will be combined into one application next month. Staff has no problems with this application, and the current parking will be maintained.

Mr. Wilkinson noted we recommend approval with the three conditions listed in my memo. We're requesting a legal description to define that area because the applicant needs to maintain that area of the right-of-way.

Mr. Draper noted we have two conditions listed in my memo.

Mr. Andreozzi noted Public Works concurs and recommends the Planning Commission forward a recommendation of approval. We recognize the ADA parking is in the right-of-way, but prefer that to remain the designated spot as opposed to any of the other stalls.

Glen Guttry representing the applicants wanted verification of the conditions. He then noted Ms. Laughlin would have the legal description next week.

Commissioner Keener wanted verification the legal description that Mr. Wilkinson wanted was included in Condition 3.

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

- 1) Conditions 1-3 as listed in the memo from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner dated March 30, 2011, stated as follows:
 1. The applicant maintains the right-of-way to City standards, including striping of parking spaces as identified in the Engineering Department's memo dated March 21, 2011.
 2. The owner is to ensure the ADA parking is in compliance with ADA requirements as identified in the Engineering Department's memo dated March 21, 2011.
 3. A legal description and the Exhibit submitted with the application should both be a part of the license agreement.
- 2) The applicant will be able to continue to use portions of 7th and Walnut Streets for parking
- 3) The space that's currently used as the ADA parking space remains the same designated space
- 4) Parking lot striping

Commissioner Keener's findings are when the building was constructed there were no provisions made for off-street parking, this section of 7th Street is not a high traffic area, there have never been any problems with vehicles diagonally parking on the street in this area, and this is in compliance with City of Elko Master Plan Land Use component, City of Elko Master Plan Streets and Highways component, City of Elko Redevelopment Plan and the City of Elko Code Section 3-2-17 Traffic, Access, Parking and Loading Regulations.

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

**** The motion passed unanimously.**

2. Review and consideration of Final Plat No. 1-11 for Spanish Gardens II Subdivision, filed by Bailey & Associates LLC, for the proposed division of approximately 2.67 acres of property into 19 lots for single family residential development. **ACTION ITEM**

The subject property is located generally at the terminus of Arroyo Seco Circle.

The applicant was not present.

Mr. Wynes recommended approval.

Mr. Wilkinson noted we recommend a conditional approval with the eight conditions listed in my memo. Most of our conditions are already being worked on.

Mr. Andreozzi noted we recommend approval as well.

Motion: Conditionally approve Final Plat No. 1-11 and forward a recommendation of conditional approval to City Council with the following conditions:

- 1) An AGREEMENT TO DEVELOP LAND, as allowed for in Section 3-2-26 of the City Code. The agreement is to be approved by Ordinance.
- 2) The plans are revised based on the City's letter dated March 21, 2011.
- 3) The revised plat showing the proposed easement for the Bates' water line is presented to the Planning Commission and City Council.
- 4) The Bates water line issue is resolved before the Final Plat is considered by the City Council.
- 5) State approvals for the subdivision.
- 6) The Final Plat submittal is required to comply with all applicable provisions of Chapter 3-3 (Subdivisions) of City Code.
- 7) 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.
- 8) Appropriate security is required **prior** to the City of Elko Certifying the Final Map as required in 3-3-45.

Commissioner Owen's findings are this is in compliance with Section 3-3-6 Final Plat Stage, Section 3-3-8 Information Required for Preliminary Plat Submission, Section 3-3-20 General Provisions for Subdivision Design, and Section 3-3-26 Agreement to Develop Land.

Action: Approve, **Moved by** Doug Owen, **Seconded by** John Anderson

****The motion passed unanimously.**

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

III. REPORTS

A. Summary of City Council Actions.

Mr. Wynes noted there were no Planning Commission items at the last meeting.

B. Summary of Redevelopment Agency Actions.

Mr. Wynes noted RDA accepted the Ormaza vacation of Main Street and will pass that on to City Council. RDAAC adopted the RDA Plan and will pass that on to the RDA for approval.

C. Professional articles, publications, etc.

1. Zoning Bulletin
2. Zoning Practice

Mr. Wynes asked if any of the Commissioners received a letter from Western Planners, and if they planned on subscribing.

A couple Commissioners received it.

Mr. Wynes explained that Western Planners is a magazine and the organization is about 30 years old. It's a group of Planners who meet in the intermountain west. The upcoming conference will be in Santa Fe.

Chairman Thompson asked if that was what Commissioner Keener went to in Denver.

Mr. Wynes said that was a different organization. The meetings are very enlightening. The magazine is interesting because the articles are by professional Planners, writers and Planning Commissioners. The person who wrote the letter is a Nevada representative. As of about two weeks ago I'm his subordinate.

D. Preliminary agendas for Planning Commission meetings.

Mr. Wynes noted April 19th will be another special meeting on the Master Plan at 6 p.m. At the last meeting we adopted the Plan as amended without comments from Mr. Calder. He did have comments; basically verbiage and punctuation. We have a comment from Dave Stanton we want to add that is a clarification process. Once that is done we will pass that on to CRSA for a clean document to present to City Council. I will send you copies of the corrections with the agenda.

Commissioner Keener noted he will be gone that day.

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.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned.

Jeff Thompson, Chairperson

Reece Keener, Secretary