

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.S.T., TUESDAY, MARCH 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, Brent Elmore,
Doug Owen, Alene Sutherland

Absent/Excused: John Anderson

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: October 19, 2010 – Special Workshop Meeting

Motion: Approve the October 19, 2010, special workshop meeting minutes in their entirety,

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

****The motion passed with Commissioners Keener and Elmore 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 public comments made at this time.

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

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 indefinitely.

Motion: Table Variance No. 7-10, **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 that this item be tabled.

Motion: Table Curb, Gutter and Sidewalk Waiver No. 1-11 until further notice, **Action:** Approve, **Moved by** Doug Owen, **Seconded by** Rich Perry

**** The motion passed unanimously.**

III. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review and consideration of Variance No. 1-11, filed by RVC Nevada, LLC, to allow the placement and use of a trailer as a residence, security office and general office on a temporary basis, and matters related thereto. **ACTION ITEM**

The subject property is generally located approximately 77 feet northwest of the intersection of Ruby Vista Drive and East Jennings Way (2625 E Jennings Way).

Jack Daniels, 314 Coral Fountain Way, Henderson, NV, gave an overview of what was submitted on the application.

Mr. Wynes noted we are recommending approval subject to the conditions as listed in my memo.

Mr. Wilkinson noted the Development Department's also recommending conditional approval. Our condition is the same as one of Planning's.

Mr. Andreozzi noted we support the recommended approval.

Chairman Thompson asked the applicant if he was ok with the conditions.

Mr. Daniels said yes.

Commissioner Perry asked if anyone else was living in the trailer.

Mr. Daniels said I'm the only person living there.

Commissioner Perry asked if that was the intent for the duration of this.

Mr. Daniels said yes.

Motion: Conditionally approve Variance No. 1-11 subject to the following conditions:

1. This variance is granted for the location of an RV on a construction site to be used as a job shack and/or as a residence for after-hours security personnel as shown on site plan labeled Exhibit "A".
2. The RV shall be permitted to remain on the property until a Certificate of Occupancy shall be issued for the hotel.

Commissioner Owen's findings are this variance conforms with the Streets and Highways Component of the City Master Plan, Section 3-2-10B of the City Zoning Ordinance, Section 3-2-22 of the Elko City Code, this variance demonstrates 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

****The motion passed unanimously.**

2. Review and consideration of Rezone No. 2-11, filed by Elko Mountain Village LLC, to consider a change in zoning from CC (Convenience Commercial) to PC (Planned Commercial). **ACTION ITEM**

The subject property is located generally on the east side of Powder House Road, approximately 920 feet east of S.R. 227 (Lamoille Highway).

Aaron Robertson, 83 N. Cambridge Drive, Rigby, ID, noted the adjacent properties are zoned PC, so we're looking to match that. We're going to put some roads in, but we aren't following the boundaries because of the slopes. This will also allow us a little more freedom as we try to subdivide or parcel those out later, so we can look at uses that are conducive to the hospital.

Scott Hubbard, 332 Powder House Road, noted the road that runs through the corner of their property is our main developed road. We want to know what is going on. We hear that it won't affect our access, but every time they have a contractor out there our road gets tore up or blocked. We're not here to protest. We just want information as this goes forward.

Mr. Wynes noted staff recommends this be approved and sent to City Council for final adoption.

Mr. Wilkinson gave an overview of his memo and noted the current Master Plan shows commercial along the Lamoille Highway corridor and then low density going into high density. The Land Use component has not been amended since this property was rezoned from AG (General Agriculture) to the existing zones. We are recommending conditional approval with the condition as listed in my memo. Addressing the public, I'm not sure who had heavy equipment out there, but I don't believe it was the developer.

Mr. Hubbard noted it was just for testing, but it was a bane to us.

Mr. Wilkinson noted eventually Powder House Road will be paved.

Chairman Thompson asked if that would happen during development.

Mr. Wilkinson noted yes. It will be developed to the end of their property boundary, and where it goes from there will depend on the future growth of the City.

Commissioner Perry asked if Powder House Road is a City road with easement.

Mr. Wilkinson said it's a dedicated right-of-way.

Mr. Draper noted Engineering recommends approval.

Mr. Androzzzi noted we recommend approval as well, and for clarification, some of Power House Road falls in the County.

Commissioner Perry asked where the City/County line was.

Mr. Wilkinson said at the boundary of the zone.

Commissioner Perry asked if inside the green was County.

Mr. Wilkinson pointed out the County and City.

Commissioner Perry asked if there was a water tank there.

Mr. Wilkinson said yes.

Commissioner Perry asked if it was a City water tank in the County.

Mr. Wilkinson said yes that is a County island.

Mr. Andreozzi noted that's not uncommon. We have part of our airport, wells, etc. out in the County.

Chairman Thompson asked for the rezone area to be pointed out.

Mr. Hubbard noted that may be a City street, but we are the only ones who maintain the road.

Chairman Thompson asked if Mr. Hubbard was in the City boundaries.

Mr. Hubbard said no and pointed out his residence. He then mentioned another road that City personnel use to check the water tank.

Mr. Andreozzi noted the other road is not an actual road it's just a two-track.

Commissioner Perry asked about the road dedication and the difference between the City and County.

Mr. Andreozzi noted the parcel lines are an indication there is a roadway separation.

Mr. Wilkinson noted it's dedicated and serves all the parcels out there in the County.

Commissioner Perry asked about the differences between CC (Convenience Commercial) and PC (Planned Commercial).

Mr. Wynes noted Planned Commercial is basically like General Commercial except you have a Conditional Use Permit and Convenience Commercial is a very light type of commercial activity.

Commissioner Perry asked for a previous example of Planned Commercial.

Mr. Wynes noted the Lowes area.

Mr. Wilkinson noted Planned Commercial also has greater setback requirements than the other commercial zones. I believe Golden Health up by the hospital was also Planned Commercial.

Motion: Forward a recommendation of conditional approval to Elko City Council for Rezone No. 2-11 with the following condition:

1. The owner provides written confirmation from the Engineer that the Utility Master Plan does not require revision.

Commissioner Keener's findings are this rezone is in conformance with the Land Use Component of the Elko City Master Plan, Street and Highways Component of the Elko City Master Plan, Section 3-2-9(A) of the Elko City Zoning Ordinance, Section 3-2-10(A) Planned Commercial District of the Elko Zoning Ordinance, Section 3-2-21 Amendments of the Elko Zoning Ordinance.

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

****The motion passed unanimously.**

B. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

1. Review and consideration of Vacation No. 1-11, filed by Frederick B. Lee Jr. and Karen A. Albrethsen to consider the vacation of a portion of the 6th Street right-of-way located generally on the east side of 6th Street consisting of an area approximately 12.5 feet in depth by 97.5 feet in length, and a portion of the Cedar Street right-of-way located generally on the north side of Cedar Street consisting of an area approximately 7.5 feet in depth by 79.64 feet in length, and matters related thereto. **ACTION ITEM**

Shawn Jones of Wilson, Barrows and Salyer representing the applicant noted the purpose of the request is to facilitate the repair of a retaining wall for the property. We've submitted photographs. Lostra Engineering went through a number of different scenarios on how to repair it. It was decided to construct exterior walls and leave the existing wall intact.

Mr. Wynes reviewed his memo noting Staff recommends passing a do adopt recommendation onto City Council.

Mr. Wilkinson noted he has a corrected memo dated March 1, 2011. We are recommending approval with conditions as listed in my memo and adding another condition stating the easements are of record before the abandonment is recorded. I need to check with our legal counsel on that condition.

Mr. Draper noted Engineering also recommends approval of the vacation. Even though we are vacating this, we don't actually lose any existing road width.

Mr. Hecht asked if this will affect the realignment of Cedar Street.

Mr. Draper noted no. We're not changing the curb to curb width. Currently we meet the recommendation of our proposed Master Plan with this classified as a residential collector of 60', which includes two 5' bike lanes.

Mr. Andreozzi noted this has been out there a while and this particular lot has some pretty good topography. Most of our tree streets have an 80' right-of-way, which is excessive in a lot of the areas. Knowing this road serves the high school, college, cemetery, etc. there could be an increase of traffic. We did an analysis for the future to see if we could facilitate roadway movements and this seems to be an appropriate way to facilitate and manage the conditions we have in this area and still ensure we reserve enough right-of-way for the future use of Cedar Street. We support the approval as well.

George Lostra, Lostra Engineering noted we did the engineering for this. We started the project in 2002. Bob Morley of High Desert Engineering who is doing the surveying and vacation documents wonders how the owners can give the City an easement on City right-of-way.

Mr. Wilkinson noted they wouldn't. We would just get one recorded and then when it's vacated the easement exists.

Mr. Lostra asked if the City would do it with mappings from High Desert.

Mr. Wilkinson said most likely because Mr. Morley could come up with them very quickly since he has all the legal descriptions. I'll check with our law firm.

There was more discussion about the easement.

Commissioner Perry noted clearly the retaining wall needs to be fixed. Does the vacation on 6th street follow the red line?

Mr. Draper said yes.

Commissioner Perry asked if the easement along Cedar Street was to allow the City to have sidewalk there since there currently isn't any.

Mr. Draper noted their property is about 7' behind back of sidewalk and they're asking for 7.5', so the sidewalk is still in the right-of-way except for a half foot which will be in a recorded easement.

Mr. Wilkinson noted they intend to install the sidewalk on both frontages.

Mr. Lostra noted the wall will be built in the vacated area which will be private property and the easement is so if the sidewalk needs repairs the City won't be going on private property.

Mr. Jones noted the packets should have a bird's-eye-view of the plans.

Mr. Wilkinson requested another condition of requiring the sidewalk be installed with the reconstruction of the wall.

Mr. Jones asked Mr. Wilkinson to repeat the condition then noted it's our understanding that's part of the plan, so that's fine.

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

1. Written response from all non-City utilities is on file with the City of Elko with regard to the abandonment of the Right-of-Way in accordance with NRS 278.480(6) before the order is recorded.
2. Amend the Exhibit to better display the easement area. Diagonal lines in addition to the shown hatching are recommended.
3. Amend the Exhibit to reflect a Public Utility, Drainage and Access Easement.
4. The applicant is responsible for all costs associated with obtaining a proper legal description(s) and recordation(s) associated with the abandonment of the Right-of-Way and the recordation of the abandonment.
5. The easement(s) are of record before the abandonment.
6. The curb, gutter and sidewalks are installed as a condition.

Commissioner Perry's findings are the vacation is consistent with Elko City Code Section 8-7-3 for Street Vacation Procedures, Streets and Highways Component of the Elko City Master Plan, Land Use Component of the Elko City Master Plan and NRS 278.480 the Vacation or Abandonment of Street or Easements.

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

**** The motion passed unanimously.**

2. Review and consideration of Vacation No. 2-11, filed by Pedro G. Ormaza Trust and Ormaza Properties, LLC to consider the vacation of a portion of the Main Street right-of-way located generally between 2nd Street and 3rd Street consisting of an area approximately 49 feet in depth by 300 feet in length, and matters related thereto. **ACTION ITEM**

Bob Morley of High Desert Engineering representing the applicant noted when Mr. Ormaza met with City Staff regarding a restaurant relocating into the building at 3rd and Main Streets there was discussion of how best to redevelop Main Street; it's mainly used for parking. Staff suggested a vacation and then Mr. Ormaza could redevelop the street, construct new sidewalks, turn the street into a one-way street from 3rd Street to 2nd Street, provide diagonal parking, bury the overhead power, and make it more like a private court. We realize there are utilities in Main Street and are willing to provide easements for those, and reciprocal easements in case one of the properties was ever sold.

Mr. Wynes noted one thing that came up at City Council was if there's a lot of traffic on 3rd Street then Main Street gets blocked. Staff has no problem with the vacation and recommends a do adopt recommendation be forwarded to City Council.

Mr. Wilkinson noted we recommend a conditional approval with the six conditions as listed in my memo.

Mr. Draper noted we need utility easements recorded for all utilities in Main Street.

Mr. Hecht noted our concerns were addressed in Mr. Wilkinson's memo.

Mr. Andreozzi noted this is an interesting concept with the outside dining, etc. It appears to be a good use of the infrastructure as long as we have the utilities covered by easement. It takes it off our list of things to maintain and repair. I don't see an issue as to why the Planning Commission should not forward a recommendation of approval.

Mr. Wilkinson noted I only have one, but there are supposed to be two legal descriptions in the packet; one for Ormaza Trust and one for Ormaza Properties. The packet needs to contain both legal descriptions as we move forward.

There was more discussion about the legal descriptions.

Commissioner Perry noted he will abstain from the vote due to a business relationship with Mr. Ormaza outside of this property.

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

1. Written response from all non-City utilities is on file with the City of Elko with regard to the abandonment of the Right-of-Way in accordance with NRS 278.480(6) before the order is recorded.
2. A reciprocal access/parking, public utility and drainage easement is recorded prior to recordation of the order abandoning the Right-of-Way.
3. The easement is to encompass the area proposed for vacation.
4. Plans for development of a parking area are to be submitted to the City for review and possible approval. The plans are to conform with Section 3-2-17 of City Code and meet ADA access requirement.
5. The applicant is responsible for all costs associated with obtaining a proper legal description(s) and recordation(s) associated with the abandonment of the Right-of-Way and the recordation of the reciprocal access/parking, public utility and drainage easement.
6. Although not required, consider formal approval of the abandonment by the City of Elko Redevelopment Agency before City Council action.

Commissioner Owen's findings are this vacation conforms with Elko City Code Section 8-7-3 for Street Vacation Procedures, Streets and Highways Component of the Elko City Master Plan, Land Use Component of the Elko City Master Plan and NRS Section 278.480 for Vacation or Abandonment of Street or Easements.

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

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

3. Review and consideration of Parcel Map No. 2-11, filed by Modern Land and Development LLC, for the division of approximately 2.54 acres into 4 parcels. The Parcel Map contains an offer of dedication for right-of-way and it is for this reason that the map is being referred to the Planning Commission and subsequently to the City Council. **ACTION ITEM**

The subject property is located generally on the east side of Celtic Way approximately 88 feet south of Shadow Ridge Drive (APN 001-660-011).

Mike Shanks gave a brief overview of the parcel map and application.

Mr. Wynes noted staff recommends a do adopt recommendation be passed on to City Council.

Mr. Wilkinson noted the Development Department also recommends approval with the three conditions as listed in my memo.

Commissioner Perry asked what the intent is because the four parcels are huge in comparison to the rest of the neighborhoods from a density standpoint: further subdivision or four large lots.

Mr. Shanks noted the first phase is two duplexes on each parcel and maybe further subdivision later.

Commissioner Perry noted this is awfully low density for the city.

Mr. Shanks provided a preliminary site plan.

Chairman Thompson asked if they were all duplexes on the site plan.

Mr. Shanks said yes.

Commissioner Perry asked if the applicant could further subdivide.

Mr. Wilkinson noted this would be treated as a subsequent parceling, but they're addressing all the public improvements with the first parceling. He then explained the subsequent parceling process.

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

1. Conditions numbered 1-3 in the memo from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner dated February 22, 2011, stated as follows:
 1. The public improvements are constructed and accepted by the City before certification of the map by the City of Elko.
 2. Modern Circle is identified as being offered for dedication.
 3. Provide a closure report for the map.

Commissioner Keener's findings are the parcel map is in conformance with the Land Use Component of the Elko City Master Plan, Streets and Highways Component of the Elko City Master Plan and Section 3-3-60 (4) Parcel Maps, the proposed development of the property complies with the current Master Plan designation of the area, the existing R zoning of the property will allow the development of the parcels as proposed, the streets and highways in the area are adequate to support the vehicular traffic that could be generated by the proposed development and there are adequate sewer and water lines available to support the development proposed.

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

****The motion passed unanimously.**

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

IV. REPORTS

- A. Summary of City Council Actions.

Mr. Wynes noted Mr. Young submitted a letter to City Council to table his rezone request on River Street, plus he sold one piece of property. Mr. Goicoechea has indicated there is a problem but I don't know what it is.

- B. Summary of Redevelopment Agency Actions.

Mr. Wynes noted the RDAAC heard from Laura Hanson regarding the plan and will hear it again on the 15th at 11:00 a.m. and possibly pass it on to the RDA for adoption.

Mr. Wilkinson asked if that would be a public meeting.

Mr. Andreozzi said yes.

Commissioner Perry asked what component of the Master Plan the RDAAC would approve.

Mr. Wilkinson said it's their plan not the Master Plan.

Commissioner Perry asked if that was separate.

Mr. Wynes said this is a separate plan that they're working under a separate contract for.

- C. Professional articles, publications, etc.
 - 1. Zoning Bulletin
 - 2. Zoning Practice
- D. Preliminary agendas for Planning Commission meetings.

Mr. Wynes noted we properly noticed the 15th meeting, so we can proceed with adopting the Master Plan if it meets all your criteria.

- 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