

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.D.S.T., TUESDAY, JUNE 1, 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: 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

Others Present: Jim Connor, City Councilman
Kelly Watson, Co. Planning and Zoning Admin.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: May 4, 2010 - Regular Meeting

Motion: Approve the May 4, 2010 regular meeting minutes in their entirety

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

****The motion passed with Commissioner Perry 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. UNFINISHED BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

1. Review and consideration of Annexation No. 2-09, filed by Charles B. Evans, T.A. Claridge Trust, and Claridge Family Decedent's Trust, to consider annexation of

territory to the City of Elko involving approximately 101 acres of property, and matters related thereto. **ACTION ITEM. This item was tabled at the Planning Commission's June 2, 2009, regular meeting to allow the applicant to work out issues related to the annexation with Staff.**

The subject property is located generally on the west and east sides of Sundance Drive, adjacent to Sundance Estates, south of Mountain City Highway.

There was no one present to represent the applicant.

Mr. Wynes said this application was heard on June 2 of last year. After a long discussion, the Planning Commission at that time adopted a motion that basically said to table Annexation No. 2-09 until further notice to give the applicant time to work out issues with City Staff. In the ensuing year we have heard nothing from the applicants. Mr. Andreozzi got one phone call but they've never asked to meet with us for any other reasons. Planning Staff decided this had been sitting around for too long and after one year it should be resolved so we're bringing it back to you to make a final determination. At this time we're recommending that it be denied because nothing has changed from the original problems that we foresaw and the problems that we had when we discussed it at the original hearing.

Mr. Wilkinson said the Development Department concurs with the Planning Department. We would recommend that the Planning Commission forward a recommendation to the City Council to deny the application. We took a pretty hard look at this and with the lack of infrastructure in the area the annexation of this area is not logical and orderly growth in our belief at this time.

Mr. Hecht said no concerns.

Mr. Andreozzi said no other additional comment other than we concur.

Mr. Calder said we concur.

Motion: That Annexation No. 2-09 be forwarded to the City Council with the recommendation to deny.

Commissioner Owen's findings are as follows:

1. This annexation lacks sanitary sewer infrastructure necessitating the development of larger lots offering less revenue to support ongoing maintenance of public infrastructure and therefore does not appear to offer orderly and logical growth.
2. As the area develops the City of Elko will become responsible for the maintenance of Sundance Drive, a secondary access and possibly the streets within the Sundance Subdivision.

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

****The motion passed unanimously.**

After the motion but before the second Commissioner Perry said is the form of this motion a denial or a recommendation for a denial to the City Council?

Chairman Thompson said it's a recommendation.

Commissioner Perry said it's a recommendation for denial, so it does go to the City Council after this?

Chairman Thompson said yes.

Mr. Wynes said the way NRS is written, and it's in my memo, NRS 268.648 says if the Commission disapproves the proposed annexation, further proceedings to annex the territory to the city must terminate. Therefore, it does not go to the Council. If you deny it, it does not go any further. It is a dead issue.

Commissioner Perry said that's when I read your verbiage here I was wondering, whereas if it was a recommendation for approval it would go to the City Council.

Mr. Wynes said they have the option of appealing.

Commissioner Perry said the denial, if it was a denial.

Commissioner Perry said I guess with that we probably need to reword that.

Mr. Wilkinson said when I look through the NRS it talks quite a bit about the Commission. When I look at NRS 268.648, I think it's talking about the Commission actually being an Annexation Commission, which would be, I think the City Council. Maybe we should just have a little discussion on that to make sure we get it right because basically the petition is initiated with the City Council and the City Council forwards the review of the annexation to the Planning Commission. I believe that it's supposed to come back to the City Council. It's a bit confusing when you look at the NRS because the sections of NRS, they actually envision an Annexation Commission being formed and then the Annexation Commission does all this work that we do here. They forward that to the Planning Commission for review with the Master Plan, so on and so forth, and then if you look at the NRS it talks about the Planning Commission forwarding that to the Commission and I believe in lieu of an Annexation Commission that might be our City Council. I'm not sure if it does terminate with you and maybe we can look at that or maybe we should be cautious and go ahead and forward it to the City Council to make sure we do get it right and let them make that call.

Mr. Wynes said I quickly read through the section of NRS. I would recommend for clarity and for solving problems this should run through as a recommendation to the City Council and let them take final action and we will make sure we have covered all our bases.

Commissioner Perry said I was just making sure our motion was correct. Councilman Conner, do you recall? No, ok.

Chairman Thompson said Mr. Calder do you have any input?

Mr. Calder said no I think that's the safest route.

After the vote a member of the audience asked when the next City Council meeting would be.

Chairman Thompson said will it be on the next one or the one in July?

Another member of the audience said you recommend to the City Council that they deny the annexation and then conceivably they would follow the recommendations, but it couldn't be annexed without people hearing about it that had questions, am I correct?

Chairman Thompson said if the City Council would send it back to us it would be posted.

Mr. Wynes said it'll probably be on the first July meeting.

Chairman Thompson said so that would be July 13th.

III. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

1. Review and consideration of a request for a one year extension of Temporary Use Permit No. 1-07, filed by Gazelle Investments, for the development of a truck freight transfer station and mobile office. **ACTION ITEM**

The subject property is located generally on the south side of Idaho Street, approximately 1200 feet west of Union Pacific Way (4250 East Idaho Street).

George Lostra, Lostra Engineering, representing the applicant said we put in temporary facilities I believe two years ago. Those were permitted. When we did that, those facilities and the improvements were all built in accordance with the city standards. All that stuff was turned over to the city. As far as I know everything was ok. We had hoped to get permanent facilities in there but with the national economy doing what it's done in the last year, trucking companies aren't doing so well and so they've put it off. The owner of the property is meeting with Federal Express Monday in Arkansas and they are discussing permanent facilities but they haven't put a deal together yet, so we wanted to ask for the one year extension and then whatever response we get from the city then we'll forward that to Federal Express and we'll know where to go from there.

Mr. Wynes said Staff has looked at this and has been in discussion with the applicant and we are recommending a one year extension from today's date in which to obtain building permits and to construct the two necessary buildings for this particular situation.

Chairman Thompson said this just means they have one year to begin construction.

Mr. Wilkinson noted the Development Department is also recommending a one year extension with the three conditions listed in his staff memo dated May 24, 2010. He said maybe the third condition will prompt FedEx to make a decision on whether they want to develop facilities here within the City of Elko or not. I'm not sure if your client has reviewed that condition and how they feel about it.

Mr. Lostra said we have reviewed it and discussed it. We'd rather not see it but if you write it into your approval we're going to pass that on to Federal Express. From the point of view of a citizen of Elko, I think we're better off having a temporary facility over there than have Federal

Express decide to go to Spring Creek, Carlin, or somewhere else but we have no control over that, nor do you or the city. I think the City has to look at this in what they think is best for the City and if that action is best for the city we'll live with it.

Mr. Wilkinson said our department looks at this as going on year four for a temporary use. A lot of people ask for time to make business decisions and evaluate the potential for business in Elko. If you look at the application, a lot of it has to do with the cost of constructing permanent facilities; we kind of look at that as a cost of doing business. There are a lot of other businesses throughout the community of Elko that have permanent structures and have made that commitment to have permanent structures, be on the tax roles and become good corporate citizens within the City of Elko. We're looking for FedEx and the developer to make that same type of commitment rather than continuing with the advantages of having a temporary structure on city property and conducting business within the City of Elko. I believe it's an advantage to them over other businesses.

Mr. Hecht said no concerns from the Fire Department.

Mr. Andreozzi said Public Works also concurs with the extension. We support that request. In terms of the condition that we're discussing, the benefit to the city, at some point when you have property with a permanent structure on there you do get that additional tax support for ongoing services that we provide, although I certainly understand the economic situation that the applicant's appealing to you.

Commissioner Perry said is the existing facility hooked up to sewer and water now?

Mr. Wilkinson said yes.

Commissioner Perry said some of the recommended conditions in Mr. Wynes memo are already there right?

Mr. Wilkinson said that's correct.

Commissioner Perry said number three and number seven: a one year maintenance guarantee. Is that looking into the future or is that for the existing hookups.

Mr. Wilkinson said number seven looks like it's a carryover from my memo from a year ago. We have three conditions with regard to the extension. Those are listed in my memo to the City Planner dated May 24, 2010. The development, to the extent that it's taken place today has satisfied all of our previous conditions that we had in granting the original temporary use.

Chairman Thompson said so you'd want all previous conditions continued on with this motion.

Commissioner Perry said the only one that wasn't there is number three, your recommendation to not extend it another year. Basically that wasn't there before.

Mr. Wilkinson said that's the one I'd like to call your attention to.

Chairman Thompson said I kind of agree with Mr. Wilkinson, it should be only extended for another year. They had three previous years before that to go ahead and develop that property. That'd be my opinion.

Mr. Lostra said when we applied originally we applied for a three-year and at that time there was discussion about if we needed an extension how would we go about it. I had a memory of it that there was discussion that the extensions would be no more than a year at a time. There was a discussion about putting a limit on the number of extensions, but I don't think any action was taken on that. This is the first extension request.

Mr. Wynes said the conditions that we put on there are the ones that were original and we've revised them so they'd fit either to what's there or what they want to build just to be on the safe side so that if something does happen they've still got conditions to abide by related to what's there already. It does sound redundant but technically if we deleted all those conditions they could do as they darn well pleased. I wanted to make sure the conditions you approved the first time and had been accepted and completed are continued.

Chairman Thompson said aren't Temporary Use Permits normally given for a period of two years on their original?

Mr. Wynes said they can be given for any length of time. It is kind of whatever is appropriated and this one was either three or four years that they requested. The Planning Commission gave them this period of time.

Mr. Wilkinson said I don't recall what their first request was. It might have even been up to five years and the Planning Commission decided three. The developer put in substantial public improvements. We appreciate that. I would like to call attention to their letter that states they are prepared financially and physically to move forward. The big question is if they can get bids that will make it affordable to FedEx. That's pretty open ended. FedEx can sit there and say we don't want to pay that for the next 10 years and enjoy this advantage that they'd have over some other shipping company that does businesses or may want to do business in Elko. They do state they haven't drawn the final plans yet but they believe they can start construction by early fall with final completion by the spring or summer of 2011, which would fit a one year time schedule with the question being whether FedEx wants to pay it or not. Then you just come down to the cost of doing business. I have a bit of concern on what's affordable to FedEx. The developer's ready to go forward and it hinges on whether FedEx likes it or not.

Mr. Lostra said in the original application we asked for five years and Staff and the Commission at that time decided that they would have it for three years with one-year extensions. We had a lot of discussion about it. I don't remember all the details. If we get this extension we will be at four years which is pretty close.

Commissioner Perry said Mr. Wynes was recommending the conditions be the same but item seven goes back and says these include the letter of April 24, 2007, from Mr. Wilkinson and there are four additional conditions. Do we need to have all these in there even though some of them are already done?

Mr. Wilkinson said they've satisfied all the conditions from the previous letter. It is a good point that you'd just keep all the conditions. It may be somewhat redundant. I don't believe there's any

harm in keeping that condition that the City Planner has although they may have already satisfied those conditions and then we just have the three additional conditions for the extension that are listed in the May 24, 2010, memo to the City Planner from the Development Department.

Commissioner Perry said even including item seven, your letter of April 24, 2007, dealing with downgradient property owners and all those things? That's what I was referring to.

Mr. Wilkinson said those conditions have been satisfied. Mr. Wynes comment was he believes all the original conditions should stay in effect for the extension whether they've been satisfied or not until they make a decision whether to develop or not and then the temporary use would go away.

Motion: Conditionally approve Temporary Use Permit No. 1-07 for one year from the date of final approval with following conditions:

1. Items 1-7 in the May 24, 2010, letter to the Planning Commission from Ed Wynes
2. Items 2 and 3 in the May 24, 2010, letter from Scott Wilkinson to Ed Wynes

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

****The motion passed unanimously.**

2. Discussion and possible action to change the regular July 2010 meeting of the Elko City Planning Commission to another date due to the Fourth of July Holiday.
ACTION ITEM

Commission action necessary. **CHANGE THE MEETING DATE FOR JULY'S ELKO CITY PLANNING COMMISSION MEETING.**

Mr. Wynes said the reason this is on the agenda is it is the day after the holiday. The fourth is on Sunday. We've observe the holiday on Monday. It's just sort of like what happened yesterday and today. Besides that, the 4th of July is typically a time for people to want to go camping, take their family and get out of town, so we just want to make sure that everybody is going to be available and it's worthy of us getting everything prepared for an agenda at that time.

Chairman Thompson said do you want to just take roll and see who will be available? Is that sufficient if we do have people here?

Mr. Wynes said if we've got enough people for a quorum for the meeting and some other people want to take off that would be ok. We just need to know one way or the other if we're going to have a meeting and if we can't make the meeting we can set another date.

There were enough Commissioners and Staff available to keep July's meeting date the same.

****There was no action taken to move July's meeting date.**

IV. REPORTS

- A. Summary of City Council Actions. Council supportive of zone change on Court Street, give applicant more time.

Mr. Wynes said at the last meeting the City Council was extremely supportive of the zone change for the property on Court Street. They thought we should even give the applicant more time. We asked that they give him 90 days to file an application. They thought the whole idea was great because it's going to start cleaning up that block.

- B. Summary of Redevelopment Agency Actions. RDDAC got off track on agenda discussed Silver and Idaho Streets. Also working with CRSA for a RDA scope of work design criteria.

Mr. Wynes said in RDAAC we got a little off track of the agenda and spent most of the evening talking about streets, especially Silver Street and Idaho Street and the redevelopment of those two streets and how it's going to affect the downtown area. We didn't end up completing the agenda we would've liked to complete but we got some work done.

Mr. Andreozzi said would you talk to them about us trying to develop a scope of work.

Mr. Wynes said we're also trying to get together with CRSA regarding a scope of work for the RDA so that we can get some design criteria developed. As of today we have not got the scope of work from CRSA. We hope to get that any day now so we can review it and present it to the RDA and the associated boards that are kind of involved in that part of the project.

Chairman Thompson said do you expect that by the next workshop?

Mr. Andreozzi said it's highly likely that we will. We've seen a draft and kind of looked that over. I think we're really close. I think we'll see something soon and then because we have delegated some of the RDA's authorities to the City Council it'll kind of streamline that process. We'll just take that scope of work, agreement and a budget to the City Council to consider doing some of this additional work for the RDA. It won't make it on this agenda but hopefully by the next City Council agenda we'll see it on there, and I think in time to have some discussion at our next workshop. That workshop is going to be at the Western Folklife Center, if you haven't heard already.

- 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.

Mr. Wynes said we have received a notice that Law Relating to Planning, 2010 version, is available for \$29 each. This year we're going to try to be a little bit more conservative with our money and so what we are doing is spending money for about four or five books to keep for Staff. If any of the Planning Commission members wish to buy one, it's that big thick green spiral bound one that has every NRS related to planning, please let me know. We would like to have you buy it. We will put the order in all together.

Chairman Thompson said do they have a copy of just the revisions?

Mr. Wynes said no. They just put the revisions in with the rest and reprint the whole thing.

Mr. Andreozzi said there will always be a copy floating around here if you want to view it.

Chairman Thompson said are there many revisions to it?

Mr. Wynes said I don't know. I wasn't following the last legislature close enough to know what was happening related to planning, but I didn't hear of anything major.

Commissioner Perry said I think there was.

Mr. Wynes said there may be some little housekeeping issues but nothing critical. If we get one copy we can always make everybody aware of what the changes are and if you have copies we can just tell you the pages, etc.

Chairman Thompson said if we get something on the agenda that requires us referring to NRS then we would come to you.

Commissioner Perry said or we could look it up online for free. I have one from a few years back and if I'm wondering if there was a change I'll look it up online and print the two pages.

Mr. Wynes said you can always tell because in the brackets at the end of the section they will put all of the notations and if there is a 2009 you know that there's been something, and it doesn't tell you where or what until you read the old and new. I am not going to be available at the workshop on the 15th. I will not be here any part of that week. We do have everything set up. It is going to be at the Western Folklife Center in the theater. I'm setting it up for 50 people. I think we had a good crowd at the GBC. Unfortunately the way the microphone picked up everybody's voices at once there are some places where Becky Hansen's having a little trouble sorting out who's talking and she can't hear everybody. I would like to know how many of you found those workshops interesting. The way they're going about it is very interesting. It's sort of refreshing to see that type of an open discussion because if it was here under the glare of a public hearing we'd probably get a lot more discourse than we are getting. It's going to make the whole process run a little smoother especially when we get to the public hearings.

Commissioner Keener said I thought it was a little bit too tight at the college.

Mr. Wynes said that's why we're moving it to the Western Folklife Center. We're going to have a little more space to move around and sit down. We will have the table and chairs.

Commissioner Perry said I found the maps that they put up from all of the public comments were well presented in a format that focused on the five different areas. That was a good way to do it. There is so much to a Master Plan update of detail and trying to bring it to some point of focus where the public in a public meeting can sit down and look at it and then go to the next step. It's obvious that they are professionals at this. It's an open, transparent public process and it takes quite a while to get through it because it's the vision of what Elko's going to look like in 20 years and how it gets there and all the little efforts that people take to move it along; the Planning Commission and City Council.

Chairman Thompson said they do present it real well so it's easy to understand.

Mr. Wynes said have any of you gone to the webpage?

Commissioner Perry said yes and I've directed quite a few people to the webpage too.

Mr. Wynes said I found it very interesting to read some of the comments that were made on the webpage.

Commissioner Perry said I even carry the maps around with me and pull them out. Has there been any kind of an update to the City Council on this? Has the City Council seen any of the maps from the first phase? No. Would it be useful to pull those maps up and show them just as an update to the City Council so that they're aware of the progress?

Mr. Wynes said that's probably a good idea to at least show what's happening.

Commissioner Perry said it's a very positive thing for the city in creating enthusiasm through communicating, even if it's over-communicating sometimes I think it's helpful.

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