

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.D.S.T., TUESDAY, OCTOBER 6, 2009
ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA

Prior to the meeting being called to order, Mayor Michael J. Franzoia swore in the newly appointed Planning Commissioner, Alene Sutherland.

CALL TO ORDER

The meeting was called to order by Vice Chairman Rich Perry.

Roll Call

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

Absent/Excused: Jeff Thompson.

City Staff Present: Ed Wynes, City Planner
Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Scott Wilkinson, Development Manager
Josh Carson, Deputy Fire Marshal
Mayor Michael J. Franzoia
Jim Conner, City Councilman
Kelly Watson, Planning Technician

APPROVAL OF MINUTES: September 1, 2009 – Special Workshop Meeting

Motion: to accept the September 1, 2009, special meeting minutes

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

Vote: Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).

Yes: Rich Perry, Reece Keener, John Anderson, Brent Elmore, Alene Sutherland.

Abstain: Doug Owen.

Absent: Jeff Thompson.

Vice Chairman Perry changed the order of the meeting and moved to New Business.

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 and consideration of a modification of Final Plat No. 9-07 for Golden Hills Estates Unit 2 filed by Sierra Blue Development and Holding, for the phasing of the approved subdivision into three phases for 22 residential lots and matters related thereto. **ACTION ITEM.**

The subject property is located generally north of the intersection of Mittry Avenue and Chris Avenue along the unimproved Mittry Avenue corridor.

Ryan Dodge, Sierra Blue Development and Holding, 6122 Indian Pony Way, Herriman, Utah, said we are asking for an amendment to do this project in three different phases. We are proposing to take the three lots along Chris Avenue and one lot along Mittry Avenue as phase one. Phase 2 would be 9 lots and then phase three would be the remaining. This is an extremely challenging economic climate and we have found it difficult to raise the funds to do the improvements and set up the bonding requirement in escrow to proceed with the entire development. We are asking to take this in phases so the bonding requirement and costs of capital will be minimized. The amendment would allow us to do this phase with all the improvements along Chris Avenue, the intersection and the lot on Mittry, and the in ground improvement plus going vertical on these units. Once we sell or rent those units we can move on to phase 2 with in ground improvements, etc. He indicated all the departments necessary to review the submittal have and had no comments or concerns. He reviewed Mr. Wilkinson's memo and they had no problems with the items except question no. 2 regarding extension of the water main on Mittry Avenue. We're proposing in our phasing is to have the water line stop at the end of the phasing and the City wants the water line going the length of the whole project. To extend the water line all the way to the end of the property would be an additional cost that defeats part of the purpose of us even asking for phasing. The adjacent parcel has access to water from other sources besides the extension of the water line along Mittry Avenue. On Mittry Avenue there is a widening requested by the City. Improvements would have to be removed for the widening for the flow of traffic. We feel it is a factor of something that happened prior to our development. We are submitting to the City that we would like to share the burden or some middle ground of the widening that doesn't have much impact on our development.

Mr. Wynes indicated Staff is in agreement with the phasing and for added information we have included the requirements for presentation of final map or series of final maps extension of time as it appears in NRS.

Commissioner Perry said the only reason it has come back to us is because of the phasing. We need to take action and then do we make a recommendation to City Council?

Mr. Wynes indicated it would have to go back to City Council for final action on a subdivision.

Mr. Wilkinson said the applicant has indicated they are accepting all of the conditions listed. Regarding the water main on Mittry Avenue City Code requires sewer and water be extended to the end of a parcel. Sewer is in place and that is why it is not a condition. If the applicant is seeking a variance from City Code, that would have to be approved by City Council rather than the Planning Commission. We did have a discussion regarding water availability to the parcel. In all likelihood there is sufficient water depending on how it develops and until that happens you wouldn't know if the water main would need to be extended to the end of the property. At this time I think it should remain a condition and be forwarded to the City Council for appeal. With regard to the road widening when

we first approved this subdivision one of the conditions approved by Planning Commission and City Council was there be some traffic calming measures developed at that intersection based on that entire subdivision being developed. We are widening the road to accommodate a travel lane on that side of the road, a left turn lane. The intersection will be an all way stop for traffic calming. We are widening the road to accommodate the additional traffic that would come from that subdivision. The width of the road is required because of residents backing on to Chris Avenue and we want to develop responsibly. I don't believe it is a City responsibility to participate when we are not adding the traffic.

Commissioner Perry asked can that be done in a phased manner?

Mr. Wilkinson said all of it should be completed in phase one in case the succeeding phases don't happen. If we end up with new owners for the second and third phases we'll have the same issues with them saying we need to assist in the construction because we did it for the prior owners. In the history of development within the city where we have deferred improvements to later phasing, we've had a lot of issues where developers have gone bankrupt and new owners or the City has had to address those issues.

Mr. Andreozzi said from a Public Works standpoint we would concur with City Staff and the development of the intersection.

Mr. Calder said any improvement we can get in phase 1 is better accomplished now.

Mr. Dodge said I appreciate your time and Staff's help.

PC Discussion-

Commissioner Keener asked about the traffic flow backing in and out of the lots because he thought it would be a cul-de-sac until being joined with Copper Street.

Mr. Wilkinson said there will be 4 lots with phase 1 and the intersection at Chris and Mittry will be fully developed.

Commissioner Keener mentioned he was thinking about Mittry and not Chris.

****Motion: conditionally approve modification of Final Plat No. 9-07 and forward a recommendation to City Council, Action: Approve, Moved by Doug Owen, Seconded by Brent Elmore.**

Subject to the following conditions:

- 1. All improvements should be done in Phase 1.**
- 2. Conditions numbered one through seven contained in the Memorandum dated September 17, 2009, from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner, stated as follows:**
 - 1) Appropriate State approvals for the change of ownership and the phasing of the subdivision.**
 - 2) The water main in Mittry Avenue is extended the length of the property in accordance with Section 9-1-35 of Elko City Code.**
 - 3) That the three items listed in the owners letter dated September 1, 2009, not be approved by the Planning Commission but may be approved by Staff in its review of the civil plans.**

- 4) **The Final Plat Map and associated Civil Improvements are revised for resubmittal to the City of Elko as outlined in the City of Elko, Development Department's attached letter dated June 16, 2009. Additional revisions may be required pending review of the revised grading that was not requested by the City of Elko.**
- 5) **The Final Plan submittal is required to comply with all applicable provisions of Chapter 3-3 (Subdivisions) of the City Code.**
- 6) **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.**
- 7) **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 conforms with the Master Plan and City Code Sections and the Land Use Component, Streets and Highways Component, Section 3-3 (City Subdivision Ordinance), Section 3-2-5E R (Single Family and Multiple Family Residential) Zoning District and NRS 278.360-Requirements for presentation of final maps and series of final maps extensions of time.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Rich Perry, Reece Keener, John Anderson, Brent Elmore, Doug Owen, Alene Sutherland.

Absent: Jeff Thompson.

2. Consideration of Parcel Map No. 10-09, filed by High Desert Engineering on behalf of Andrew C. Knudsen and Shannon Knudsen for the division of approximately 13 acres into 4 parcels. The Parcel Map contains various offers of dedication for rights-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 at the southwest corner of Mountain City Highway and Sundance Drive.

Andrew Knudsen, 4980 West Bullion Road, said we are going to parcel this area and have some dedicated rights-of-way.

Mr. Wilkinson said the map that is in the packet has already been revised and I can assist in discussing some of the revisions that we have requested in our conditions. There is a 40' right-of-way for Cattle Drive which will taper out to 55' to get a more perpendicular alignment for an intersection. The other request we had was to create Parcel 3 to include the boundary for the RS zoning that was approved with the annexation. When he creates the additional parcels he will do that by a subsequent parcel map for lots 4, 5 and 6 for the residential. This map shows the entire length of Tamarack Drive being dedicated. We've asked for that to be done just to the point with the RS Zoning. Then the rest will be an access and public utility drainage easement. Then they will dedicate 30' for Sundance for a public road. We have requested those changes in my memo.

Mr. Wynes said the only problem we had was the boundary should incorporate the RS zoning and that is being taken care of. Staff would recommend approval and forward to City Council subject to conditions that we have asked for as stated in the memo.

Commissioner Perry said items 1-5 of your letter.

Mr. Wynes said 1 and 2 of my letter.

Commissioner Perry noted he was looking at the Development Department memo.

Mr. Andreozzi said we support the approval.

Mr. Carson stated we'll need a secondary access as listed in the memo 20' wide all weather surface primary Cattle Drive or as a secondary Tamarack.

Commissioner Perry asked if that is when it is developed.

Mr. Carson indicated yes.

PC Discussion-

Commissioner Perry asked if in Mr. Wilkinson's memo, item 1 is what you were talking about that the map has already been revised.

Mr. Wilkinson said they have revised the map to include items 1-3 and they are adding the notes for items 4 and 5. We should have the revised map available to present to the City Council.

Commissioner Perry said knowing that, do those need to be included in the motion.

Mr. Wilkinson said yes because your map doesn't show those revisions.

Commissioner Keener asked is it appropriate to vote on this without seeing those revisions right now?

Commissioner Perry said my understanding is since we don't have the revised map and we approve it we would need to include the conditions in Mr. Wilkinson's memo.

****Motion: conditionally approve Parcel Map No. 10-09, Action: Approve, Moved by Reece Keener, Seconded by Doug Owen adding also assemble and forward a report of findings and recommendation to the City Council**

Subject to the following conditions:

- 1. That the Parcel Map approval shall expire unless recorded within two (2) years of the date of approval.**
- 2. The parcel map shall be revised to show all of the RS zoned area on this first parcel map.**
- 3. Conditions numbered one through five contained in the Memorandum dated September 18, 2009, from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner, stated as follows:**
 - 1) Expand proposed Parcel 3 to the east to delineate the approved RS zoning.**
 - 2) The Tamarack Road dedication is to be adjacent to the RS zoning. The remainder of Tamarack Road is to be a Public Access, Utility and Drainage Easement.**
 - 3) Show the Cattle Drive dedication 55 feet wide at the State Route 225 tapering to width of 40 feet over a length of approximately 50 feet. Show the remainder of the dedication with width of 40 feet.**
 - 4) Add the following note: PUBLIC IMPROVEMENTS FOR THE RESIDENTIAL SUBURBAN ZONING WILL BE REQUIRED AT THE TIME OF**

DEVELOPMENT FOR ALL PARCELS WITHIN THE RESIDENTIAL SUBURBAN ZONING.

- 5) Add the following note: PUBLIC IMPROVEMENTS FOR THE COMMERCIAL ZONED PARCELS WILL BE REQUIRED AT THE TIME OF DEVELOPMENT.**

- 4. The map is revised and available for City Council review.**

Commissioner Keener's findings are this 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.

Prior to the second and the vote Mr. Wilkinson suggested a condition that the map is revised and available for City Council review.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Rich Perry, Reece Keener, John Anderson, Brent Elmore, Doug Owen, Alene Sutherland.

Absent: Jeff Thompson.

Vice Chairman Perry changed the order of the meeting and moved back to Public Comment Period.

III. REPORTS

A. Summary of City Council Actions.

B. Summary of Redevelopment Agency Actions.

Mr. Wynes said the RDA Advisory Council has a new chairman and there seems to be a desire among the members to try getting some work done. We're asking that the RDA/RDAAC meetings be broke apart again.

Mr. Androzzzi said the RDA Advisory Council has met twice and another one slated next week. They are working at some broad based items and lengthy discussions regarding getting to know the Redevelopment Plan and how it connects to the Master Plan. They're also doing some team development items to be more cohesive. We've reduced the number of members from seven to five and the new Chairman is Tony Buettner, Vice Chairman is Duane Jones and the Secretary is Lori Lynch. They did forward a recommendation to the RDA asking to allocate some of the tax increment to hire a consultant to further the Plan at the same time as the Master Plan update. We're also going to have a presentation by our special legal counsel trying to direct the Agency and explain as we go through this process and develop design guidelines and how that interfaces with City Code and how we go about applying them. We are trying to understand and better educate everyone involved in the process. There are a number of projects in the Redevelopment area and since we don't have any specific guidelines it is a quick process. We haven't found anything that we would recommend denial. There has been a lot of public reinvestment in the downtown area.

Commissioner Perry asked if there have been any requests for matching funds, etc.

Mr. Androzzzi noted not at this time. It is how the Plan is envisioned to work. If we are trying to develop a look in the Redevelopment area, it could conceivably cost more money than just general

development standard. One of the ways to do that and the Redevelopment Plan envisions using participation agreements to achieve the goals. We are generating about \$88,000 per year in the Redevelopment area in tax increment. If there is further development in the area we will see more tax increment in the 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.

G. Staff.

Mr. Wynes noted the SOQs are almost done being reviewed and he appreciates the work of Commissioner Keener and all the Staff. Once the matrix is done everyone will be informed.

Commissioner Keener asked if any Commissioners were attending the convention in Reno.

Commissioner Perry noted he was and said he would bring back any useful information.

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.

Rich Perry, Vice Chairperson

Reece Keener, Secretary