

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.S.T., TUESDAY, DECEMBER 1, 2009
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, Alene Sutherland.

Absent/Excused: Doug Owen.

City Staff Present: Ed Wynes, City Planner
 Curtis Calder, City Manager
 Delmo Andreozzi, Assistant City Manager
 Scott Wilkinson, Development Manager
 Mike Hecht, Deputy Fire Chief/ Fire Marshal
 Eric Howes, Parks & Recreation Director
 Kelly Watson, Planning Technician

APPROVAL OF MINUTES: November 3, 2009 – Regular Meeting

Motion: accept the minutes, **Action:** Approve, **Moved by** Reece Keener, **Seconded by** Rich Perry.

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

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

Absent: Doug Owen.

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. OLD BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

1. Request for an extension of Temporary Use Permit No. 1-05, filed by Elko County Juvenile Probation Department to allow for an extension for the temporary placement of a manufactured modular building for use as a temporary office and matters related thereto. **ACTION ITEM. THIS ITEM WAS TABLED AT THE NOVEMBER 3, 2009, MEETING.**

The subject property is located at the Elko County Juvenile Facility site on the south side of Silver Street, approximately 500' west of Errecart Boulevard (665 West Silver Street).

Chairman Thompson noted the applicant called and said they would not be available for this meeting and requested the item be tabled until January 5, 2010.

Commissioner Perry said the temporary use permit expires in November and asked if it would be extended by us making this extension to the next meeting.

Staff said yes.

Motion: tabled until next regularly scheduled meeting of the Planning Commission, **Action:** Table, **Moved by** Rich Perry, **Seconded by** Brent Elmore.

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

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

Absent: Doug Owen.

III. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review and consideration of Conditional Use Permit No. 6-09, filed by Durney, Brennan & Bradshaw, Ltd., to allow a law office with residential apartment in a Residential Office zoning district involving an existing building. **ACTION ITEM**

The subject property is located on the north side of Court Street, between 9th Street and 10th Street (993 Court Street).

Denise Bradshaw, 3553 Hawthorne Drive, Elko, said I'm here for an application for a Conditional Use Permit for our office at 993 Court Street. Our application is to conduct a law office at that address. Our business is extremely low impact consisting of two employees and one part-time employee with a couple clients a day but not more than one at a time. We will improve the property and we believe we will add quality to the neighborhood and give a benefit.

Mr. Wynes said in researching this application I went back to the previous two applications to find a pattern of development and the rationale for some of the conditions on the second application. The initial application was somewhat a tenuous situation in that there was a zone change attached to it and a conditional use permit. The Planning Commission denied the rezone to RO but approved the conditional use permit. The zone change was appealed to City Council which in turn was approved. That was the first zone change on that property. During the ensuing years until the second application there was two other zone changes in the area from residential to RO which in most cases were not contested. When the last application came through, the one preceding this one there was still some problems and everything was approved but the condition was that the conditional use not go with the land; it only went with the applicant. Anybody that came in had to file a new application. These individuals came in and filed an application for a conditional use therefore in our review we looked at it and we found that it didn't meet all of the criteria and we are recommending approval subject to the conditions in the memo. The changes from this condition to the old ones is that I am

recommending tonight that it shall run with the land so if this law firm decides to move out somebody else can come in to that property and occupy it as a commercial law office or some other use. The rationale being, there have been other zone changes to RO in the area. The trend is not to stay residential. Somebody has renovated that residential building to a commercial use and it would be expensive to convert it back to a residential use. I don't every see it going back to residential; it is going to be commercial.

Chairman Thompson asked if it is Commercial now, or RO?

Mr. Wynes said it is commercial, residential office. The zoning district would allow both and there is an apartment above this so it fits.

Commissioner Perry said but the actual zoning on the property now is RO.

Mr. Wynes said that is why we have the conditional use application because a professional office requires a conditional use under RO zoning. Staff recommends approval of this application with conditions. The only condition we have is if they don't activate this within a year it becomes null and void.

Mr. Wilkinson said when we looked at the application our biggest concern since it is a fully developed property, we did not consider development standards under the RO zoning. Our biggest concern would have been with regard to parking and access. When we looked at the site plan and the review of their application they talked about four parking spaces in the rear and in addition to parking on Court Street. Under Section 3-2-17 the requirement is for off-street parking. We agree with the Planning Department's count of parking spaces as shown on the site plan however based on the application and the fact that two of the parking spaces are in a garage and in our opinion wouldn't be available to customers. We don't believe that the parking satisfies the requirements of over 6 spaces based on 300 square feet. We think they should probably come back to the Planning Commission and seek a variance on the parking. You could consider the two parking spaces in the garage as meeting that standard. One note of caution on the CUP running with the land under Section 3-2-17 of our City Code under offices we identify medical and dental offices as falling under that category. That standard for parking is based on one space per 225 square feet. If you have that type of office go in there based on our code, they would have even less parking for that type of use. If you do a conditional use permit that runs with the land you could have that issue come up. Maybe you could do a conditional use permit that runs with the land as long as it was a certain office to exclude medical and dental. One thing we weren't clear on with regard to the parking is if this was a nonconforming use based on the office not being vacated or the use abandoned for a period of 12 months they could continue that non-conforming use with this conditional use permit by our code. It is my understanding there had not been continuation for 12 months and that this conditional use permit was not to extend that non-conforming use. Parking is probably an issue. We have some recommended conditions. We would like to see a site plan provided that shows the parking lot layout where they would provide some striping, lighting and verify that they do have ADA access to the building. Our comment is that the building not be occupied until the site plan is reviewed and approved. I believe they are already in there right now. There was a comment in the application about a sign and that would probably require a separate permit from the City of Elko Building Department. The sign could not be located in the right-of-way without a revocable permit. The sign should be compliant with Section 3-9 of Elko City Code. Our fourth condition that we listed would apply regardless of whether they were extending a non-conforming use or if this was just a conditional use and that the building not be occupied until the Building and Fire Departments have done their inspections of the

remodeling and approved the occupancy of the building. I believe the Fire Department has already done an inspection on the building. That is it from the Development Department.

Mike Hecht said we have conducted an inspection and there were some corrections and they have been completed.

Mr. Andreozzi said with Public Works one of the concerns we have is parking. Parking is something that is important to our operation. We would like to protect the off-street parking requirement. From the site plan it appears there are 7 spaces. Whether they are conformant with the minimum dimensions or not is an unanswered question at this time. We certainly acknowledge the fact that this facility has been used previously for this use. I don't have anything from the Public Works perspective as far as the use of the building we just want to make sure we have adequate off-street parking.

Mrs. Bradshaw said one of our concerns is that we believe the nonconforming use should be extended to go with our permit. The property has been used as commercial as long as I can remember and I know the initial application was in 1996. Since we purchased the property we have learned that the prior owner did not comply with the City Codes and that he did not have his business license address changed nor did he apply for the conditional use permit. However, the building has been used as commercial since Dave Loreman vacated in 2007 to late 2008 or 2009. I have some documentation as evidence to indicate that despite the noncompliance with the Codes that the property has been used for commercial purposes and that there has not been a twelve consecutive month delay or break in commercial use. The top document is the 2008-2009 annual list of officers for Elko Realty, LLC. As you will see, Mike Gerber wrote in the address of 993 Court Street. This was in effect until March of 2009 when the address was changed to the new location. The next document is Mr. Gerber's State of Nevada real estate license which reflects as of May 1, 2007, his real estate license being at 993 Court Street and Elko Realty itself at 993 Court Street. The next document indicated 933 Court Street but I think the intent was 993 Court Street. The next document is another document from the Realtor's Land Institute for Layne Aufdenkamp who is also with Elko Realty which reflects 993 Court Street. The remaining documents are other evidence that commercial business was being conducted there lastly being the 2009 phone directory in the upper right hand corner indicating Elko Realty was at 993 Court Street. We believe based on this evidence there has not been a twelve month consecutive lapse in commercial business being done at that address and therefore the nonconforming use should be extended to us and to our conditional use permit. With regard to Development's comment on code 3-2-17, I have looked at the code and I see why the comparison to the law office to medical and dental is made because there is really nothing else but I don't believe it is analogous. Medical and dental have patients coming in all day long; possibly 4 an hour. I have possibly four clients in a day. I don't have the traffic that a medical office has. I would believe we don't require that many parking spots especially when it is only my assistant and I.

Mr. Wilkinson said I think Mrs. Bradshaw has provided some information to take into consideration as to whether this conditional use permit will extend the nonconforming parking. If you made that decision then they wouldn't need to seek a variance for reduced parking. With regard to the number of spaces based on square footage it is our Code; 300 versus 225. My comment there to you is with regard to your consideration of this running with the land. If the conditional use runs with the land and the law office moves out and a dental office moves you will have a worse parking situation. If they were to move in before that 12 consecutive month break then that nonconforming could be extended with the conditional use permit process. I think you have information that would allow the number of parking spaces to move

forward but I still think we need a site plan and the parking spaces need to be striped. That would be consistent with the requirement for any other business owner that they have striped parking; that it is lighted for safety and Building and Planning both will be concerned with ADA access from the parking area to the building. One of the parking spaces should be handicapped accessible.

Planning Commission discussion:

Commissioner Perry asked Mr. Wilkinson if the nonconforming parking use is 6 existing parking spaces compared to 7 that is required in City Code.

Mr. Wilkinson said they have 1,900 square feet and they need one for every 300 so it is over six. I was looking for six. The application discusses four in the rear which leads me to believe they don't intend on using the garage for customer/employee parking. There is a garage and they do show parking there. Typically in a business environment you don't have a garage that you utilize for parking needs. This is an older part of time and if the door was up all day and they had people going in and out of there they could do that I guess. I think if we are extending a nonconforming use with this conditional use permit, which I think there is information supplied to you that may indicate you could take that into consideration, then even with the four spaces back there it is a nonconforming parking that is being extended because the use has been consistent. The number of spaces would not matter. They wouldn't need a variance to reduce the number of spaces. With this conditional use you would be extending that nonconforming parking. I think you would want to restrict that to the number of spaces. I still think we need a site plan that shows the striping, lighting and ADA parking and access. Those are things we would require from any business owner anywhere in the City.

Chairman Perry further asked if the building is 1900 square feet and I noticed the request is for office and also residential. Residential is given in RO and does not require a conditional use permit. If one floor is office and one floor is residential does it make a difference with respect to the parking?

Mr. Wilkinson said it is based on square footage in the Code. All I have here in the site plan is square footage. I am assuming it is all usable space. It is 1900 square feet, that is all I know. They do have a covered parking area that would be considered if somebody was renting that apartment. Residential requirement is two but with the covered parking area and business hours you probably could have shared parking and that is why if we are not extending a nonconforming use for parking we need to get a variance. You can't change it since it is already developed. There are extenuating circumstances where in my opinion a variance would probably be appropriate. That is the Planning Commission's call. I think we may be extending that nonconforming parking right now with what you have been presented with if you feel that evidence is appropriate.

Mr. Andreozzi said in regard to the nonconforming use there are three criteria for your consideration. He read the criteria from the Code. It specifically says not occupied and used.

Chairman Perry said if one of the conditions was that the conditional use permit runs with the land can that condition also include that it runs with the land for use as a law office only thereby excluding all of the rest?

Mr. Wynes said I don't know if you would run into a problem with that condition or not. I think what you should be looking at is what is a realistic use for that property? Is a law office

that kind of use that should be in there? Is a dental office the kind of use that should be in there or not? My contention would be that a dental office wouldn't be in that area. I think you would find that area would be more for something like a law firm, accountant or somebody of that nature would want to move into.

Chairman Thompson asked if there wasn't already a dental office across the street.

Mr. Wynes said no there is not.

Chairman Thompson said Gallagher's office.

Mr. Wynes said that is down on 8th on the corner and is commercial.

Commissioner Perry said I was looking at all of the conditional use permits under RO which is an extensive list, how do you grant a conditional use permit permanently that goes with the land and narrow it down to just office without leaving it wide open to anything else that could occupy the building in the future.

Mr. Wynes said you have two options; you can let it go with the land or not let it go with the land. That would be an easier call for me to make. If you said it does not go with the land and it goes with the occupant then it is back up to the point that another occupant has to come in for a conditional use application. In my mind it would be cleaner and simpler than trying to put a limitation on the condition.

Mr. Wilkinson said in our Code it allows the Planning Commission to transfer a Conditional Use Permit from a permittee to a permittee. If another firm wanted to move in here they probably would be able to come before you and request this conditional use if it is granted would be transferred. The nonconforming parking would be extended as long as it wasn't vacant for that period of time.

Commissioner Perry said I was at your property and there is lighting in the parking lot. There was a tree removed your husband was showing me in what would become a parking spot. Does that change the number of spots? Do you have 7 parking spots back there now?

Mrs. Bradshaw said we do and my apologies to the committee. When we purchased the property a tree had been cut out but there was a very large stump left so it did not conform to that site plan that had been previously filed. With that knowledge my husband pulled it out and poured concrete over the hole today so there is 7 parking spots. There is the covered spot, there are 4 and then there are actually two in front of the garage not in the garage but in front of it. The adjoining neighbors park in front of the garage. I have no issue with that whatsoever, that is a courtesy we extend to them. There are 7. It can be tight back there but we haven't had any issues and then again it is just my assistant and myself.

Chairman Thompson asked Mrs. Bradshaw would you have an issue of a condition from Development providing a site plan showing the parking lot layout.

Mrs. Bradshaw said it was provided with the application.

Chairman Thompson said the one we have is not very clear.

Mr. Wilkinson said I would need a site plan that actually shows the parking spaces striped and I would recommend if we are extending the nonconforming use you don't include the two in front of the garage because that type of layout presents backing issues and we wouldn't be able to approve that. There will be a conflict there. If somebody parked in front of the garage you would not be able to back out of the rear two stalls. The four spaces that you have shown have good backing area. With the evidence you presented that may be the case that we have an extension of the nonconforming use for the parking.

Chairman Thompson asked the applicant if she was opposed to the Planning Commission reviewing a variance for the parking.

Mrs. Bradshaw said no, what we request based on the evidence is that the nonconforming use be extended. I have no objection to getting stripes; I can do a site plan. Our concern is that there is no other room which is why based on the circumstances we firmly believe that the nonconforming use should be extended. Including the covered spot it is five parking spaces there not four.

Commissioner Perry asked Mrs. Bradshaw if there were 5 parking spaces in the rear and then two in the garage. Do you use the garage?

Mrs. Bradshaw said I am going to but someone had left there property in there that was removed tonight.

Chairman Thompson verified that there are two in the garage and 5 not 4 that is shown.

Mrs. Bradshaw said correct.

Mr. Andreozzi said in trying to understand Mr. Wilkinson's concern in the backup conflict but yet trying to preserve as much parking as we can with the garage, is it possible to have a sign that indicated employee parking only so conceivably the only time someone would use that space would be the occupants who would be there before it starts and they are the last ones to leave.

Mr. Wilkinson said if we extend a nonconforming use for parking all of that is irrelevant. You don't need the parking in the garage. If we are not extending the nonconforming use for parking then the Planning Commission based on the applicants request should consider the parking available in the garage. It would make sense it would be for the employees. The real issue is if we are extending nonconforming use it is irrelevant. We don't need to consider it. If you could revise the site plan, review our parking requirements for the size of the parking spaces and show it striped, I think that would be sufficient.

Commissioner Perry asked Mrs. Bradshaw if she intended in building an ADA ramp or if there was one already.

Mrs. Bradshaw said the doors are already ADA accessible and there is no need for a ramp. There are no stairs into the office.

Commissioner Perry said one of the parking spaces would have to be marked accordingly for it to be ADA compliant.

Mr. Wilkinson said it would have to have the symbol and a sign that preserves that parking area for handicapped. You want that one to be as close to the building as possible. That would need to be verified with the submitted site plan to be approved by the City of Elko.

Commissioner Keener asked Mrs. Bradshaw if they purchased the property and plan to occupy it for a while.

Mrs. Bradshaw said hopefully and correct.

Chairman Thompson asked the applicant if all of the conditions have been reviewed and if she has any problems.

Mrs. Bradshaw said as previously discussed, the only issue we have with Development's conditions is that the nonconforming use be extended with our vacation. Therefore, all of the parking issues are moot however; I have no issue providing a site plan and striping.

Commission Perry asked Mr. Wynes if the application for the Conditional Use Permit was specific to the nonconforming issue.

Mr. Wynes said no, it is not.

Motion: Conditionally approve CUP No. 6-09 to use the property at 993 Court Street as a law office, **Action:** Conditionally Approve, **Moved by** Rich Perry, **Seconded by** Reece Keener

Subject to the following conditions:

1. That the Conditional Use Permit No. 6-09 is approved for a law office in accordance with the submitted site plan labeled Exhibit "A".
2. The Conditional Use Permit will expire if not activated within one year of the date of approval.
3. Conditional Use Permit No. 6-09 shall not run with the land.
4. The applicant provides a site plan showing the parking lot lay out, including striping, lighting and ADA access for review and approval by the City of Elko and two of the seven required parking spaces are contained within the existing garage.
5. The building is not occupied until a site plan has been reviewed and approved by the City of Elko.
6. The proposed sign will require a separate permit from the City of Elko Building Department and can not be located in the Right-of-Way without a revocable permit. The sign is to be compliant with Section 3-9 of Elko City Code.

The following condition was included in Commissioner Perry's motion but was removed upon Commissioner Keener's second to the motion:

- The building is not occupied until the Building and Fire Departments have inspected and approved the occupancy of the building.

Commissioner Perry's findings are that the Conditional Use Permit is consistent with the Land Use Component of the Elko City Master Plan as the Master Plan indicates this area on Court Street as Commercial; the Streets and Highways Component of the Elko City Master Plan as Court Street is a minor arterial route; Section 3-2-3 of the City Zoning Ordinance, Section 3-2-4 of the City Zoning Ordinance, Section 3-2-5F of the City Zoning

Ordinance, Section 3-2-17 of the City Zoning Ordinance and Section 3-2-18 of the City Zoning Ordinance-Conditional Use Permit Procedures.

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

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

Absent: Doug Owen.

Mr. Wilkinson indicated the Planning Commission can strike the condition requiring the building not be occupied until the Building and Fire Departments have been inspected and approve the occupancy of the building, but if the Building Department needs to inspect before it is occupied by Code that will need to be done.

B. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS

1. Consideration of Vacation No. 1-09, filed by Stephen Romero on behalf of Vaughn Industrial Park to consider the vacation of a portion of the alley between Railroad Street and Idaho Street between 10th Street and 11th Street consisting of an area approximately 20 feet in depth by 300 feet in length. **ACTION ITEM.**

Mr. Wynes said we have an application for a vacation of an alley. In looking at the situation there are several major utility lines running down that portion of the alley and there is a sewer line running in the alley. As a result of that in order for this vacation to be completed Staff is asking and making it a condition that the applicant obtain an easement for and be signed off by the utilities and the City for the sewer line and the utilities. Otherwise, we are looking at this as something that would be acceptable.

Mr. Wilkinson said we have identified six conditions for approval of this abandonment of the right-of-way. Those are identified in our memo to the Planning Department.

Mike Hecht said our major concern is access. The Fire Department connection for that building is on the alley side. The accesses into the riser room on both of the adjoining buildings are on the alley side. If we vacate it, what will keep him from closing that off and not having access to the back side? Our main concern is not having access to the back side to be able to hook up to the Fire Department connection for those buildings.

Chairman Thompson said would you suggest a condition or is that addressed in the Development memo?

Mr. Wilkinson said that is identified in condition 3. We would like to see an access control plan and have that approved by the City. That is stated in the applicant's letter that he would want to control access and with the Fire Department's comment with regard to emergency access, we are not certain that vacating or abandoning the right-of-way gains the applicant any real control over access through that alley. The other reason that he wants to abandon the right-of-way is to put the overhead utilities underground which is a huge benefit to development within the RDA. I think everyone at the City would like to see that especially if you have a developer incurring those types of costs. Another concern we have though is that if it goes underground and there are transformers that are required to be located in the alley what does that do to the required width that we need for emergency access. Our conditions are to see these plans and our goal is to have the applicant understand that if he wants to pursue this

abandonment of right-of-way that he is going to gain the advantages he thinks he is going to gain. It boils down to maintaining that emergency access and how you do that and restrict public access at the same time. I am not certain how he plans to do that at this time.

Mr. Andreozzi said Public Works has some of the same concerns with access for emergency and sanitation. I haven't figured out what is in it for the applicant if we have an access agreement and other things, it is probably going to still look like an alley. For the Commission's information we get gas tax based off of road mileage. That is on centerline road mileage but we don't get any credit for alleys. All of the alleys we are responsible for we don't get any gas tax support to help fund them. From that standpoint it would be nice to figure out a way to get rid of an alley and shift that burden of responsibility of not only maintenance but liability on to someone else. We need to make sure that we maintain that minimum access requirement for not only emergency services, sanitation and then of course at a minimum the easements recorded for all of the utilities.

Chairman Thompson asked Mr. Andreozzi are you o.k. with it with all of the conditions?

Mr. Andreozzi indicated yes.

Planning Commission discussion:

Commissioner Perry stated in the alley there are gas meters, gas lines, a major overhead electrical line with a three phase transformer, electric meters. There is a new fire hydrant for the new charter school. I am confused as to why they want to do this. Do they want connect it? There is no way that alley can be blocked off because it is emergency access back there. I can see where the utilities could be buried but I am not sure what there intent is. Do they want to build buildings across this?

Mr. Wilkinson said they wouldn't be able to build buildings. We would have an easement recorded and you wouldn't be able to construct a structure in an easement. When I have had discussions with Mr. Romero the real issue is public access. How he would control that I am not certain at this point in time except for signage. Whether it is obeyed or not would remain to be seen. I am not sure that he has given it that level of consideration. That is why I have some of the conditions that I do that maybe when he considers that he will understand that he is not gaining a whole lot. It still may be to some advantage to him that I don't understand and he may want to pursue it. I think a lot of it has to do with getting the overhead power line underground. He owns the whole block and he wants a commerce center, office and commercial area.

Commissioner Perry said but there is no cost to the City in any of this.

Mr. Wilkinson said no, actually one of the conditions is that he absorb the cost for legal descriptions and recordation of easements. He wants to relocate utilities to enhance his development that he has planned down there.

Mr. Andreozzi said if he wants to put the utilities underground even though it is an alley I don't believe there would be anything that would preclude him from doing that. We have entered into participation with local businesses and local businesses have improved alleys on their own because it is not a high priority for us. The only other thing is this becomes private property as opposed to public property so through the recordation he can somehow control that access by

who uses the alley. If the fire access was blocked we could have them towed even if it was an alley.

Commissioner Keener said in respect to Commissioner Perry's question about the advantage, I read somewhere in the packet they felt like that would give them more development options with the existing vacant lot on the west side.

Mr. Wilkinson said they may be able to use it for internal circulation depending on how they develop. I believe they would be able to do that regardless if it is private property or right-of-way. I don't fully understand all of the reasons they want to abandon right-of-way. The total width and length will be converted to easements for utilities and emergency access. But, as Mr. Andreozzi stated he will be able to control that as private property and have some authority that way and maybe that is all he envisions being sufficient enough to further his development.

Commissioner Perry asked if the construction that is being done along the alley between Railroad is part of this.

Mr. Wilkinson said it is the same developer. They are putting in one office building right now and there are plans for a second one. I didn't understand why he didn't ask to vacate that portion of the alley along with this. The intent is to put the utilities underground from 9th over to 11th.

Commissioner Perry said this vacation request isn't for the entire alley. It is only for the part that is behind the old Builder's Mart.

Mr. Wilkinson said it is from 10th over to 11th and not from 10th to 9th. I didn't understand why he didn't pursue vacation of the entire length because he plans on putting those utilities under that entire length.

Mr. Andreozzi said I think one reason why it is from 11th to 10th is because he actually owns the parcels on both sides of the alley and when you do a vacation the property goes to the centerline of the adjoining properties. He doesn't own both sides of the alley down the road. That could be why he didn't pursue the vacation from 10th to 9th not to say they couldn't record something that would allow him to have access but now he is dealing with another owner and come up with an agreement.

Commissioner Perry asked if this is vacated is there another owner who no longer will have access to their property through this alley.

Mr. Andreozzi said no, all parcels have access. In our packet we received correspondence from three of the utility companies and Mr. Wilkinson's condition where they would have to sign off would take care of their concerns.

Motion: forward a recommendation of conditional approval to City Council for Vacation No. 1-09, **Action:** Recommend Conditional Approval **Moved by** Reece Keener, **Seconded by** Rich Perry with the same findings.

Subject to the following conditions:

- 1. A utility easement be prepared and signed for the City sewer line and a utility easement be prepared and signed for each of the overhead utility lines prior to the**

final map being approved for the final vacation of the alley separating the properties is presented to the City Council.

- 2. Conditions numbered one through six contained in the Memorandum dated November 21, 2009, from Scott A. Wilkinson, Development Manager to Ed Wynes, City Planner, stated as follows:**
 - 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) Provide a utility plan to be approved by the City of Elko ensuring that adequate emergency access will be maintained.**
 - 3) Provide an access control plan to be approved by the City ensuring that adequate emergency access will be maintained.**
 - 4) An access, public utility and drainage easement is recorded prior to recordation of the order abandoning the Right-of-Way.**
 - 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 access, public utility and drainage easement.**
 - 6) Although not required, consider formal approval of the abandonment by the City of Elko Redevelopment Agency.**

Commissioner Keener's findings are that this is compatible with Elko City Code Section 8-7-3, the Streets and Highways Component of the Elko City Master Plan, the Land Use Component of the Elko City Master Plan, NRS Section 278.480 Vacation or abandonment of streets or easements and the Elko City Code Section 3-3-75 Reversions to Acreage. Additional findings are as follows:

- 1. There is not a need to retain the right-of-way.**
- 2. The right-of-way is excess or surplus and does not fulfill any specific function related to traffic flow or circulation.**
- 3. The vacation is in the best interest of the City.**
- 4. The vacation will not materially damage persons or property.**
- 5. The vacation is in conformance with any applicable Master Plan Component, Subdivision or Zoning Ordinance regulations or neighborhood development plan.**

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

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

Absent: Doug Owen.

After the vote the following discussion took place:

Commissioner Perry asked for clarification of item 6 being a recommendation and wanted to know if it needed to go to the Redevelopment Agency. Was the intent to do that?

Commissioner Keener said yes.

- 2. Review of a recommendation from the selection committee of a consultant team to provide a comprehensive update for the Land Use, Streets and Highways, and Parks, Recreation, Open Space Plan components of the City of Elko Master Plan inclusive of the**

development of a Public Arts and Cultural component, together with a Redevelopment element. **DISCUSSION AND ACTION ITEM. ACTION TO BE IN THE FORM OF A RECOMMENDATION TO THE CITY COUNCIL.**

Mr. Andreozzi said I wanted to point out a mistake, on the memo that Staff prepared for the Planning Commission on the fourth paragraph there was an introduction to the selection committee and there were actually four members of City Staff that were included in the process not three as included in the memo. There is a recommendation from the selection committee and the other thing I would like to do since the majority of the selection committee is here is publicly thank them for their efforts in going through this project. It was a very comprehensive long effort. I want to acknowledge all of their efforts especially those folks that served from the Commission and other committees. They were doing that not as a part of their job but as a part of their service. They put a lot of time, energy and effort into this process. He introduced the different members of the selection committee in attendance. We have a summary for you. We had twenty-five applicants. I can break down the methodology for you as to how we came up with scores. We selected to do an oral interview with the top five candidates. Because of the scoring we ended up interviewing six candidates. We had a score based off of the SOQ and then we had a score based off of the oral interview portion. The oral interview portion for each consultant was two hours in length. We ranked the SOQs and then the oral interview and we combined the scores giving 70% weighted value to the oral interview and 30% weighted value to the SOQ portion. We came up with a ranked list. With our methodology it is actually the lowest score is the highest ranking individual. In this process there was one point separating the top three candidates. This was a very structured and controlled process. Top rank was CRSA, second rank was Wood Rodgers, third rank was Consensus, fourth ranked was MIG, fifth ranked was Clarion, and sixth ranked was Design Workshop. We ask that you consider forwarding the recommendation that the selection committee has given to you to the City Council so we can get a consultant on board and start working on the Master Plan update. After the Council formally approves a consultant then we will start to negotiate a scope of services and a contract that will still need to be brought back for final approval.

Planning Commission discussion:

Commissioner Perry asked what CRSA stood for.

Mr. Andreozzi said he looked it up on the internet and it is the principal's names of the firm.

Commissioner Perry asked where they were located.

Commissioner Keener said Salt Lake City. The process was thorough and competitive. I was really impressed with the six finalists we interviewed. I feel like each one of them had their unique strengths and corresponding weaknesses in a couple of cases as well. I feel like any one of those six could certainly deliver a terrific Master Plan but I feel solid about who we came up with as the leader, CRSA. They had a terrific team and great project manager and I think they will be able to deliver a plan that we will be very happy with.

Motion: forward a recommendation to select CRSA to provide professional services in conjunction with completing a comprehensive update for the Land Use, Streets and Highways, and Parks, Recreation, Open Space Plan components of the City of Elko Master Plan, which would integrate the recently adopted Redevelopment Plan inclusive of the additive alternate to develop a Public Arts and Cultural Plan to the City Council.

Action: Forward a Recommendation, **Moved by** Reece Keener, **Seconded by** Rich Perry.

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

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

Absent: Doug Owen.

IV. REPORTS

A. Summary of City Council Actions.

Mr. Wynes indicated at the last City Council there were three items on the agenda. The annexation and zone change request that was approved last month was on that and also there was an approval of an abandonment that is coming to the Planning Commission next month.

B. Summary of Redevelopment Agency Actions.

The Redevelopment Agency has not met. The Advisory Council has met and passed a motion to be heard by the RDA regarding some directions on things they feel are important and work programs they feel important and whether they are to be considered top priorities or some other items are to be considered top priorities.

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.

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