

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.D.S.T., TUESDAY, OCTOBER 6, 2015
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The meeting was called to order by Aaron Martinez, Chairman of the Elko City Planning Commission.

ROLL CALL

Present: David Freistroffer, Jose Negrete, Aaron Martinez, John Anderson, Tera Hooiman, Jeff Dalling

Excused: Joe Becker

City staff present: Scott Wilkinson, Assistant City Manager; Bob Thibault, Civil Engineer; Jeremy Draper, Development Manager; Rebecca Hansen, Planning Technician

PLEDGE OF ALLEGIANCE

INITIAL PUBLIC COMMENT PERIOD

There were no public comments made at this time.

I. NEW BUSINESS

A. PUBLIC HEARINGS

1. Review, consideration, and possible action on Conditional Use Permit No. 8-15, filed by Andrew and Shannon Knudsen, for the development of a mini storage facility within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally southwest of the intersection of Mountain City Highway and Sundance Drive (a portion of APN 001-01E-033).

Andrew Knudsen explained they've been trying to put a storage facility in for quite some time, and it's finally starting to come together. The units are going to accommodate many different sizes to be able to work with different customers.

Dave Sirotek, 1530 Tamarack Road, wanted it known they are the only household who didn't

receive an invite to the meeting. He's concerned about the health, safety, and welfare of his children, household, and property. Will there be a security wall put up like at the Rabbit Brush Run apartments? We need a wall for a sound break, but if we have to do any repairs to our fence we will need access. Another concern is light pollution. Will the complex be open 24/7? He assumed yes because most storage units are. Will there be a security gate to stop people from getting in there who shouldn't have access? Is there a drainage plan? If we have a storm event will the water run the right way or will it come back on our property? He was also concerned about traffic, and the partial cul-de-sac. Will the City make it a full cul-de-sac? If we don't do things right there our property values will drop.

Leslie Vera, 1542 Tamarack Road, stated storage units are known for becoming hot boxes and could be a potential fire hazard. She would like a wall made of concrete blocks for fire resistance, but also wanted to make sure there would be appropriate space for fire trucks to get in and out. She also wanted them to make sure the lighting was not invasive to the neighborhood. Make sure the turn lane for the turn-off onto Sundance Road is done appropriately so there's not a lot of congestion. Make sure the landscaping and storage units are appealing to match the rest of the neighborhood. If transients have constant ability to go into the units, will there be inappropriate stuff stored there? Some towns have had meth labs and other issues like that. Maybe set appropriate hours of operation. Her biggest concern was the health and safety of their children and families in the area.

Marina Sirotek, 1530 Tamarack Road, reiterated the need for a wall. We don't want access to our yard. She has two puppies and doesn't want transients to have access to them or her children when they play outside.

Mr. Knudsen said the facility will be secured inside and out. Traffic will not be able to enter unless they enter through the gated electronic entrance. He didn't think the hours would be later than about 8:00 p.m., but people do want to come in late in the evening. Lighting will be shielded and cut-off.

Mr. Wilkinson added the lighting will have to meet the minimum standard in City code, and then we typically have the cut-off or shielded lighting requirements to minimize the impact to neighboring properties. The illumination study is typically submitted with the Building permit application.

Mr. Knudsen said as of right now the screen wall is partial concrete and steel buildings. There aren't plans for a block wall.

Commissioner Freistroffer saw the plans had C/L fence, and assumed that meant chain link.

Mr. Knudsen said it will be wrought-iron.

Mr. Draper spoke with Ms. Vera earlier. The wrought-iron fence will tie into the back of each storage unit which will keep people out of the property as well as cutting through Tamarack Road. The drainage will be done in accordance with City Code and will drain to the intersection of Sundance and Mountain City Highway. They do have a detention pond. All traffic into and

out of the complex will come off of Sundance. This Commission approved a parcel map from Mr. Knudsen which dedicated half of the cul-de-sac on Tamarack. Across the street are the Andersons who are applying for annexation. They will do the other half of the cul-de-sac which will cut off traffic going directly to Sundance because we didn't want the future traffic from Cattle Drive cutting through that subdivision. There is a 20 foot separation between the homes and the back of the storage units which should provide for any concerns with fire safety. The Fire Marshal has also added conditions. Typically our code requires the installation of curb, gutter, and sidewalk, however, NDOT has requested the improvements not happen in their right-of-way because of an un-official pet cemetery which is about 50 years old. Mr. Knudsen has agreed to do a sidewalk in a pedestrian easement across his property instead. Tamarack was developed without curb, gutter, and sidewalk, but we wanted to provide for some type of termination of the cul-de-sac so we felt curb and gutter was appropriate there. Typically we get elevations when someone applies for a conditional use permit, but Mr. Knudsen didn't have those at that time. He felt his ninth condition could address that. He recommended conditional approval.

Mr. Thibault recommended conditional approval.

Chairman Martinez asked if Mr. Thibault knew if the current application meets the Fire Department's conditions.

Mr. Thibault thought the submitted plan addressed the first condition.

Commissioner Freistroffer wondered if they handle the plan and turn-arounds during building permit time. (Yes)

Mr. Wilkinson wanted the Commission to reconsider the Fire Department's fourth condition because he felt it should say based upon the largest apparatus required for the development, not the largest apparatus. He pointed out that the proposed use is one of the less intense types of developments that could be allowed in that zone. He recommended conditional approval.

Commissioner Dalling said the back of the building will act as a fence. What will that be made of?

Mr. Knudsen said corrugated steel siding, but the structures are also steel.

Ms. Vera wanted clarification on the discussion about the fire truck. The elevation difference between the storage units and homes will require a full size ladder truck to be able to take care of the higher level of their homes.

Mr. Wilkinson noted we're allowing the Fire Department to make that determination.

Ms. Sirotek said when we talk about fire we're not just talking about flames, we're talking about heat and smoke damage. There's also vandalism and access to our families and property. That is why we're asking for a wall. Sparks travel a great distance; 20 – 25 feet is nothing. She showed a picture on her phone of her view of people working on the property, so there are aesthetic considerations as well. The mini storage standard that's been set around town is not pretty. It's

nice that they're taking the pet cemetery into consideration.

Mr. Sirotek said the City set a precedence by having businesses build a security wall between housing and their businesses. This is no different.

Kim Anderson, 254 Barite, who bought the property across the street is not against the storage sheds, but would appreciate not having to look directly at them. A wall or something would be nice. Aesthetics is a big deal and we'd like to keep it a nice neighborhood.

Shannon Knudsen understands their concerns. She personally wants it to have trees and grass, and is putting a lot of thought into colors that will coincide with the area. She knows they spent a lot of money on their homes, and are concerned about what it will look like, how it will be maintained, and that it will be safe. Those things take money and time so it may take a little while, but she and Andrew are doing their best to make sure those things are addressed. It will be a nice, clean facility that people will feel safe storing their things at, and won't be an eyesore.

Ms. Sirotek wondered if it will be key pad or open access, and was willing to donate trees.

Mr. Knudsen said it will be a complete secured system with either a card swipe or a key pad.

Mr. Wilkinson said in regards to the fire safety concerns we have pretty strict codes. If the buildings come in earth tones they might blend in with the area a little better.

Ms. Vera pointed out that their utilities have been completely under water on three separate occasions because the drainage wasn't done appropriately. She's concerned about it happening again coming into winter because she travels a lot. We have nowhere for that water to go at this point. It will end up at the Sirotek's and start destroying their driveway. She also wanted to make sure the contractors drive the right way down the street since there is only half of a developed street.

Mr. Draper responded the grading plan ties into the existing ditch in front of the homes and perpetuates that drainage over to Sundance. The site itself drains away from the homes, so it won't contribute to anything else there. Ms. Vera expressed her concerns to him earlier regarding the current construction activities. Our Environmental Coordinator will check that out.

Ms. Vera appreciates giving thought to earth tones, and thinks the Commission should be more specific about the standards so there is something to hold the applicant accountable to.

Chairman Martinez said it's hard to discuss the application when we don't have elevations. He wanted to see a landscaping plan move with the Conditional Use Permit. As far as a barrier wall, we're held to Building code for the multitude of those requirements. Rabbit Brush was required to put one in because of the fire requirements, but I think here we're starting to fall into the non-requirements because of a steel structure. Regarding lighting, a lighting plan is the most appropriate thing so we will leave that up to staff. He wanted everyone to understand there isn't a code requirement to inhibit any specific hours of operation.

Commissioner Freistroffer verified that there will be a 21 foot setback from Tamarack Road.

Mr. Draper said yes, we will have a 20 foot easement there. He misspoke earlier, there will be a 30 foot separation between the residents and the storage units. He will be looking for landscaping through there, as well as along what was Tamarack. The area that will be difficult to do anything with is along Mountain City Highway because of the pet cemetery.

Mr. Wilkinson wondered if there is a certain amount of landscaping required by code.

Mr. Draper thought it was 15 percent.

Mr. Wilkinson felt they could require that to be focused on a certain part of the parcel such as on the residential side and perhaps some on the entryway. Also, the Commission has latitude in evaluating the need for a screen wall which would mitigate issues such as noise, density, and incompatible uses. However, when it comes to sound attenuation trees are much better than a screen wall.

Commissioner Freistroffer didn't think they need to condition this with a wall because the buildings themselves create the barrier. He was in favor of the color choice though.

Chairman Martinez wondered about staff's expectations of the elevation plan because it is a huge concern of his. Are we looking for a continuous façade, trying to eliminate the corrugated metal all the way down, or some sort of architecture?

Mr. Draper's concern was that this have a continuous look since it is the first commercial development coming into Elko from the north. He was also concerned about a chain link fence, but going to a wrought-iron fence will make it look better. He wasn't so concerned about the style of the building, but wanted the office to compliment the rest of the development.

Chairman Martinez wondered if the Commission has latitude to call back the elevations before building permit because he personally didn't want to see corrugated metal for 100 feet.

Mr. Wilkinson said if you feel you don't have enough information you should table it.

Chairman Martinez felt they could just provide clear direction to help staff make that decision.

There was more discussion about what conditions to include.

Commissioner Freistroffer wondered if they want to condition hours of operation since they've done it with other conditional use permits.

Chairman Martinez didn't see that in this situation. You want to be able to procure your property at any moment.

Commissioner Negrete added in the other situations it was because there could be a large mass of people congregating at one point in time, but this is very low impact.

Chairman Martinez wondered what they plan on doing with the buffer between the sidewalk and the actual buildings.

Mr. Knudsen pictured landscaping. We want to make it nice.

Mr. Wilkinson thought they could do some shrubbery in addition to rock.

Chairman Martinez felt at a minimum there should be xeriscaping.

Commissioner Freistroffer suggested full perimeter and landscaped to code.

****Motion:** Conditionally approve Conditional Use Permit No. 8-15 subject to the following conditions:

- Conditions in the July 23, 2015 City of Elko Planning Commission staff memo listed as follows:

Development Department:

1. The conditional use permit is granted to the property owner allowing for the development of commercial mini storage units.
2. The permit shall be personal to the property owner and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
3. The conditional use permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property in use for which the permit was issued.
4. The development of curb, gutter and sidewalk along Mountain City Highway is hindered by a pet cemetery located in NDOT right of way. A letter from NDOT has requested that curb and gutter not be installed across this frontage. A 5' wide sidewalk shall be installed in a pedestrian easement along the Mountain City Highway frontage. The property owner will be required to request a waiver for curb and gutter along Mountain City Highway based on the information received from NDOT.
5. Tamarack Road is designed to be terminated with a cul-de-sac. The currently developed portion of Tamarack Road was developed without curb, gutter and sidewalk. In an effort to terminate the cul-de-sac and prevent cut through traffic to Sundance Dr the cul-de-sac should be terminated with the installation of curb and gutter. The property owner will be required to request a waiver for the installation of sidewalk along the Tamarack Road.

6. A landscaping plan is required. Landscaping shall be maintained in good condition by the property owner. Landscaping should be used as a buffer between the development and the residential properties.
7. A hydrology study is required.
8. A soils report is required for the project.
9. Elevations of the mini storage units are required for approval, the fencing for the property appears to tie into the back of the storage buildings. The buildings backing to Mountain City Highway should be uniform and visually appealing. Conformance with this condition shall be determined by city staff.
10. Lighting of the property shall be cut-off shielded lighting.
11. Access to the property shall be limited to Sundance Drive as shown on the plans.

Engineering Department:

1. The CUP should only apply to the portion of the parcel being developed, not to the entire parcel identified as APN: 001-01E-033.
2. Curb and gutter will be required around the half cul-de-sac on Tamarack Road.
3. Any sidewalk along Mountain City Highway that is built on the private property will require a pedestrian access easement.

Public Works:

1. Public improvements as required by City Code.

Utilities:

1. Redlined comments have been provided on the construction drawings provided.
- Conditions in the Fire Department memo dated October 2, 2014 with a modification to condition 4 listed as follows:
 - 1) Fire Department access shall comply with the 2009 International Fire Code chapter 5 section 503 and Appendix D sections D103, D105, and D106. The minimum fire department access width will be required to maintain 20 ft in width.
 - 2) A plans and documents package shall be submitted to the City of Elko Building Department for permit. Fire Department review and approval is required for all site improvements, fire suppression and fire alarm, and regulated processes.
 - 3) Fire Department access shall comply with the 2009 International Fire Code chapter 5 section 503 and Appendix D sections D103, D105, and D106. The minimum fire department access width will be required to maintain 20 ft in width.
 - 4) An auto turn diagram shall be provided for the entire complex utilizing turning templates based upon the largest apparatus required for the development.
 - 5) Fire protection water supply shall be provided as required by the 2009 International Fire Code chapter 5 section 507, Fire flow demand and duration shall be determined in compliance with the 2009 International Fire Code Appendix B. Fire flow demand and duration shall be based upon the largest building on site and be listed on the utility plans. Fire flow is allowed to be reduced by 50 % for in building fire suppression.
 - 6) Fire protection water supply shall be determined public or private and clearly labeled on plan submittals.

- 7) Fire hydrants shall be provided and spaced in compliance with the 2009 International Fire Code Appendix C and constructed in accordance with the 2007 NFPA 13/24.
- 8) A detailed phasing plan shall be provided for the entire complex. Phasing plan shall detail the required fire department access and water supply for each phase.
- 9) Any buildings required to be equipped with fire suppression and or fire alarm shall be constructed to the 2009 International Fire Code Chapter 9 and associated NFPA standard(s).
- 10) A minimum of 12" address numbers/letters shall be provided and be visible from each direction of fire department approach for buildings and 6" for units. Illumination of building numbers is recommended.
- 11) Fire department access roads and fire protection water supply shall be installed, tested, and approved prior to combustible materials on site or as required by the Fire Code Official.
 - The full perimeter of the property be landscaped
 - Landscaping to code
 - The buildings be an earth tone color palette
 - Wrought-iron fencing instead of chain link fencing as proposed in the drawings
 - Elevations and a Landscaping plan be reviewed and approved by staff **before** the CUP is finalized

Commissioner Freistroffer's findings are the conditional use permit follows the City of Elko Master Plan Land Use and Transportation Components, the City of Elko Redevelopment Plan, the City of Elko Wellhead Protection Plan, and City of Elko Code Sections 3-2-3, 3-2-4, 3-2-10 (B), 3-2-17, and 3-2-18.

Moved by David Freistroffer, Seconded by Jose Negrete

*****The motion passed unanimously.**

2. Review, consideration, and possible recommendation to City Council for Preliminary Plat No. 9-15, filed by Bailey & Associates, LLC, for the development of a subdivision entitled Autumn Hills involving the proposed division of approximately 2.8 acres of property into 13 lots for residential development within an R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally west of Sagecrest Drive approximately 665 feet north of Mountain City Highway (APN 001-01F-318).

Dave Bailey explained this will be a cul-de-sac near the Autumn Colors subdivision. It will be fully landscaped, fenced, single family residences. The homes will be stucco and stone.

Linda Morse, PO Box 135, knows that a lot of the things her family is concerned about will probably be handled through ordinances; i.e. noise, music, cars, etc. She felt they should be required to have a pedestrian/bike path for daily and emergency use. This cul-de-sac only has

one access in and out, and that caused her concern because earlier this year Arroyo Seco, a cul-de-sac, was blocked by downed power lines. If there were a fire these people would have no place to go unless they popped the panels of their fences. Sagecrest Drive slopes downward, so you gain momentum quickly. She looks forward to working with Mr. Bailey regarding the flood plan. She read Mr. Draper's estimate of the average daily traffic trips, 124, and asked the Commission to think about that.

Kathy Pennington, 3732 Sagecrest Dr., had the same concern about the pedestrian/bike path for the cul-de-sac because of the Arroyo Seco downed power lines. Additionally, drainage ends in the bottom of that cul-de-sac because it's downhill. She wasn't sure if this subdivision will be one elevation or sloped. She was in emergency management for 23 years. When emergency vehicles take up the only ingress/egress there needs to be another way out.

Mr. Draper said a bike path for daily or emergency use would be difficult because there is a large drainage easement on the back side of the cul-de-sac. Additionally, our Master Plan does not identify Sagecrest Drive as having a bike path on it. Cul-de-sacs can be up to 650 feet long, and then if they're longer than that they're limited by the number of homes allowed. This meets both the distance requirement as well as the number of homes. Cul-de-sacs are a great way for subdivisions to be built because it limits the amount of traffic on that roadway. Many people with young kids will start in those areas. Another thing that was brought up was the approximate number of average daily trips which came from a formula that the Institute for Transportation Engineers use. It's amazing when you look at 9.5 trips per day per house, but when you think about if you have kids it could be more. This will be a nice compliment to Autumn Colors, and will be done in one phase. He then reviewed his memo. In the future a traffic signal may be required which would have to meet certain warrant studies, but when Mr. Bailey did the traffic study for Autumn Colors there was no recommendation for a traffic signal. He recommended conditional approval. Ms. Morse brought up the issue with Sagecrest Drive, and there's a concern about the mailboxes for Autumn Colors being in close proximity to Mountain City Highway. We want to make sure these mailboxes remain within in the subdivision. Traffic studies are only required when the level of service of the roadways that we're tying into is a D or worse, or if any development is estimated to create more than 1,000 trips per day.

Addressing the drainage concerns, Mr. Thibault explained the northerly lots all flow to the cul-de-sac, and the cul-de-sac flows towards Sagecrest Drive. The front half of the southerly lots may flow to the cul-de-sac, but the back half drain into the existing drainage channel that's south of this property. He didn't see any flooding issues. He recommended conditional approval, but wanted to strike the portion of condition one stating "at the intersection". There is already a street light there that he didn't see.

Chairman Martinez wondered if there were concerns because of the missing information.

Mr. Thibault didn't think so. You can see the intent, it's just that some of the labels are missing.

Mr. Wilkinson recommended approval.

Ms. Morse pointed out that her septic system runs towards this property, and wondered how far it has to be from their back yards.

Mr. Thibault didn't think anybody would require her to move her septic tank.

Ms. Morse wondered if she would have to put in an extension and extra leech to run it further to the west.

Chairman Martinez made sure all her infrastructure is on her property, and then said there are no requirements for you to remove it or them to pay for it to be removed. If they were placing wells within this area then we would start to fall under those requirements, but I think you're okay. He felt she had a valid concern about a bicycle lane.

Mr. Draper said the concern is where that would connect to. Technically that is a County road, but we are responsible for the full width maintenance. We are going to look at our roadway standards in the future because we have some great standards in the Master Plan that we need to bring into code which address bicycle lanes, on-street parking, and really look at that multi-mode transportation. As far as striping that right now that is not feasible.

****Motion:** Forward a recommendation to City Council to conditionally approve Preliminary Plat No. 9-15 subject to the conditions in the City of Elko Development memo dated September 25, 2015 listed as follows:

Development Department:

1. The applicant submits an application for Final Plat within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the Preliminary Plat will automatically lapse at that time.
2. The following items need to be addressed prior to approval by the City Council
 - a. Identify Section, Township and Range
 - b. Tie the subdivision to a Section Corner
 - c. Provide a legal description for the property being subdivided.
 - d. Identify the bearing and distance for each proposed lot line
 - e. Identify a typical lot layout showing proposed easements for each lot line
 - f. Provide proposed grading quantities
 - g. Show existing grade contours
 - h. Identify proximity of existing water wells on county properties
 - i. Identify Autumn Hills as being offered for dedication
 - j. Provide preliminary calculations for anticipated water consumption as well as sewage disposal.
 - k. Identify location of mail gang boxes within the subdivision
3. A traffic study is not required
4. A soils report is required with Final Plat Submittal
5. Final Plat civil improvements are to comply with Chapter 3-3 of City Code
6. The utility department will issue an Intent to Serve letter.

Engineering Department:

1. Per City Code 3-2-27.B.5 add a street light at the end of the cul-de-sac, and intersection

2. Add missing lot dimensions to the following lots 1-8, 10, and 13.
3. The arcs that connect the Autumn Hills and Sagecrest Drive rights of way should be tangent to the Sagecrest Drive right of way.
4. Easements for public utilities and drainage will be required in the following manner 5' along all side and rear lot lines, 7.5 feet along all street rights of way.

Commissioner Negrete's findings are the preliminary plat conforms with the City of Elko Master Plan Land Use and Transportation Components, the City of Elko Wellhead Protection Plan, and the City of Elko Zoning Sections 3-2-3, 3-2-4, 3-2-5 (E), 3-2-5 (G), 3-2-17, and 3-3.

Moved by Jose Negrete, **Seconded by** David Freistroffer

*****The motion passed unanimously.**

3. Review, consideration, and possible recommendation to City Council for Rezone No. 11-15, filed by Gary and Peter Hanington with authorization from R Hank Woody LLC, for a change in zoning from C (General Commercial) to IC (Industrial Commercial) to allow a light duty machine shop, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of the intersection of Idaho Street and 3rd Street (303 Idaho Street).

*****Motion:** Table Rezone No. 11-15 to the November 3, 2015 Planning Commission meeting. **Moved by** Jose Negrete, **Seconded by** David Freistroffer. **The motion passed unanimously.**

4. Review, consideration, and possible recommendation to City Council for Rezone No. 12-15, filed by Janet (Igoa) Marinelli, POA for Dominic Igoa, for a change in zoning from GI (General Industrial) to R (Single Family and Multiple Family Residential) to allow financing of an existing single family residence, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast corner of the intersection of River Street and 2nd Street (204 River Street).

Greg Martin, representative, explained the problem exists all through that corridor where the relocation project created the need for the overlay rezone to General Industrial back in the 70's. Back then you could get around financing by an appraiser saying that the current use (residence) was the highest and best use. With the changes in financing regulations and FHA guidelines that is no longer an option. We might need to look at how to facilitate a zone change all up and down that corridor at some point.

Mr. Draper reviewed his memo. Something typical we see in this area is the existing garage doesn't meet the setbacks, so the next item is a variance. He recommended conditional approval.

Mr. Thibault and Mr. Wilkinson recommended approval.

Chairman Martinez pointed out we're actively trying to clean up these areas to minimize the undue hardship on property owners.

****Motion:** Forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 12-15 subject to the condition in the Development Department's memo dated September 24, 2015 listed as follows:

- A variance is required for the existing garage for the side yard setback requirements.

Commissioner Negrete's findings are the zone change conforms with the City of Elko Master Plan Land Use Component and City Code 3-2-5 (E). The proposed rezone is not in conformance with City Code 3-2-4-B and C, therefore a variance is required for the existing garage. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety. The proposed rezone is consistent with surrounding land uses.

Moved by Jose Negrete, **Seconded by** Tera Hooiman

*****The motion passed unanimously.**

5. Review, consideration, and possible action on Variance No. 5-15, filed by Janet (Igoa) Marinelli, POA for Dominic Igoa, for a reduction of the required interior side yard setback from 5 ½ feet to 0 feet and the required exterior side yard setback from 12 feet to 0 feet, in conjunction with a zone change from GI (General Industrial) to R (Single Family and Multiple Family Residential). **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast corner of the intersection of River Street and 2nd Street (204 River Street).

Mr. Draper recommended conditional approval and read the Building Department's condition.

Mr. Martin didn't fully understand the one-hour fire wall.

Chairman Martinez explained the structure must now meet the 2009 Building Code requirement for fire rating which means it has to be one-hour fire rated. The Building Official will work with the property owner to assist them in obtaining that rating.

Mr. Draper noted typically it requires a sheet of drywall.

Mr. Thibault recommended approval.

Mr. Wilkinson recommended conditional approval upon City Council approval of the zone change.

Commissioner Freistroffer stated the special circumstance is that this is an existing structure

from before the 1970 era mass rezone.

****Motion:** Conditionally approve Variance No. 5-15 subject to the following conditions:

- Condition in the Development Manager’s memo dated September 25, 2015 listed as follows:

Building Department:

1. Section R302 of the 2009 residential building code requires a minimum fire-resistance rating of 1-hour when the exterior wall of a structure is less than five (5) feet from a property line. The detached garage shown in the exhibit has two exterior walls located on the property line.

The detached structure is not in conformance with the setbacks and fire-resistant construction stipulated in Section R302 of the 2009 International Residential Code.

As a condition of approval the detached garage exterior walls must be in compliance with the required fire-resistant construction as stated in R302 of the 2009 International Residential Code.

- The City Council approves the rezone before this variance is approved

Commissioner Freistroffer’s findings are there are special circumstances in this application that are related to this residential property not conforming to the proposed zone change as it was changed in zoning which created special conditions. Not granting the variance will result in a hardship to the resident in not being able to obtain financing or sell the property. It does not appear granting the variance will result in material damage or prejudice to other properties in the vicinity as this is a pre-existing structure. Granting of the variance doesn’t appear to be detrimental to the interest, health, safety, and general welfare of the public. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. Granting of the variance will not impair natural resources. Additionally, the variance is in conformance with the City of Elko Master Plan Land Use Component, the City of Elko Redevelopment Plan, and City of Elko Code Sections 3-2-5(E), 3-2-17, and 3-2-22.

Moved by David Freistroffer, Seconded by Jose Negrete

*****The motion passed unanimously.**

II. REPORTS

A. Summary of City Council Actions.

Mr. Draper reported the zone change for the parcel where Autumn Hills is proposed was approved.

B. Summary of Redevelopment Agency Actions.

Mr. Draper reported we are still working on the urban overlay codes, Economic Study, and a redesign of the downtown corridor that will fit the budget approved by RDA.

Mr. Wilkinson added RDA remanded the UDO back to staff and RAC to have those standards adopted into the RDA Plan and to look at what we need to do to codify them. We are working with the City attorney to get that done.

C. Professional articles, publications, etc.

1. Zoning Bulletin

2. Zoning Practice

D. Preliminary agendas for Planning Commission meetings.

Mr. Draper reported we hope to have Mr. Bailey's final plat and Mr. Hanington's zone change.

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. Thibault updated the Commission on the NV American Planning Association conference. He recommended the Commissioners attend if they ever get a chance. It was very educational formatted with various lectures so you can go to whichever one interests you.

Chairman Martinez gave an update regarding the work program. He asked the Commissioners to think about what projects they would like to be involved in and goals.

FINAL PUBLIC COMMENT PERIOD

There were no public comments made at this time.

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. Additionally, the Planning Commission reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Aaron Martinez, Chairman

Jose Negrete, Secretary