

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
6:30 P.M., P.D.S.T., TUESDAY, NOVEMBER 2, 2010
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: August 3, 2010 – Regular Meeting

****There was no quorum to approve the August 3, 2010, regular meeting minutes due to Commissioner Thompson being absent.**

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 Annexation No. 2-10, filed by Scott A. and Misty D. Rogers, involving approximately 0.890 acres of property to include a portion of the right-of-way for Colt Drive. **ACTION ITEM**

The subject property is located generally at the southeast corner of Colt Drive and Lamoille Highway.

Scott Rodgers, owner Collision Auto Body, mentioned they just need approval but had no further comments.

Mr. Wynes noted he told the Commission about this pending annexation request during the recent annexation by Cuthbertson on the opposite side of Colt Drive. Staff has no problem with the annexation. It closes off a portion of the island. The bulk of the island is property surrounding Mr. Rogers' property, which probably will not be annexed unless something drastic happens. The City probably isn't interested in forcing the annexation on that, but as far as the Rogers' property they did sign an agreement back in January 2007 saying that upon request they would annex. Staff asked the Council to initiate that action this year and they did. Staff is recommending this property be annexed.

Mr. Wilkinson noted we provided some background and summary information and a recommendation for your consideration in my memo. I just wanted to make sure on page 5 of your copy that the date of Council action was shown as September 28, 2010. My copy had x's for the date. The Development Department is recommending that Annexation No. 2-10 be forwarded to the City Council with a recommendation to approve the application.

Mr. Andreozzi said Public Works supports the annexation request as submitted.

Commissioner Keener said it doesn't look there are any conditions at all on any of these. Are there?

Mr. Wynes said not on the annexation.

Motion: Approve Annexation No. 2-10 and forward a recommendation to City Council including findings.

Commissioner Owen's findings are this annexation conforms to the Land Use component of the Elko City Master Plan, Streets and Highways component of the Elko City Master Plan, Section 3-2-4 (C) Annexation of Territory to the City of Elko, NRS 268.572 Legislative Declaration, NRS 268.646 Factors to be considered in review of proposed annexation, and NRS 268.663 Inclusion of county road, state highway or railroad in annexed territory. Evaluation of annexation of this property will leave only one more property in the area to be annexed and an island of county land will be all within the city. The property owners did sign an agreement on January 23, 2007, that they would agree to annex upon request by the city. The city made that request at the September 29, 2010, City Council meeting and the Rogers accepted the invitation to annex. The City of Elko will ask Elko County to transfer the title to all of Colt Drive which is on the west side of the property from the intersection with Lamoille Highway to the city limits on the south.

The property is currently served by city water. Include Scott A. Wilkinson's memo dated October 23, 2010, the letter of agreement dated January 23, 2007, and the memo from Elko County Planning and Zoning dated October 20, 2010.

Action: Approve, **Moved by** Doug Owen, **Seconded by** Brent Elmore

****The motion passed unanimously.**

B. PUBLIC HEARINGS

1. Review and consideration of Rezone No. 4-10, filed by Scott A. and Misty D. Rogers, to consider a change in zoning from County GI (General Industrial) to LI (Light Industrial) upon acceptance of annexation to the City of Elko for approximately 0.715 acres of property. **ACTION ITEM**

The subject property is located generally at the southeast corner of Colt Drive and Lamoille Highway (APN 006-09E-025).

There were no comments made by the applicant at this time.

Mr. Wynes noted staff is favorable of the rezone. We're looking at a piece of property that is occupied by an industrial use and is zoned as such in the County and we're moving it over to a light industrial use which is the only use in the City Zoning Code that specifically allows an autobody type shop. The current Master Plan has the area classified as commercial but the uses that are there are more of an industrial type activity and the zoning would be better classified as industrial rather than commercial. Staff does feel this should be forwarded to Council with the recommendation to approve.

Mr. Andreozzi said Public Works supports the recommended zone change and supports forwarding a recommendation to City Council for approval.

Mr. Wilkinson said our department's also recommending approval of the rezone.

Vice Chairman Perry said the annexation shows approximately 0.89 acres of property but the rezone shows 0.715 acres.

Mr. Wynes noted the annexation includes half of Colt Drive.

Vice Chairman Perry asked if the Development Department had any recommendations with regards to conditions.

Mr. Wilkinson said no we don't.

Motion: Forward a recommendation of approval for Rezone No. 4-10 to City Council with findings.

Commissioner Keener's findings are this rezone is in conformance with the Land Use component of the Elko City Master Plan, Streets and Highways component of the Elko City Master Plan, Section 3-2-12 A – LI (Light Industrial District), and Section 3-2-21 Amendments.

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

****The motion passed unanimously.**

2. Review and consideration of Variance No. 5-10, filed by Tim Richardson on behalf of Carmen and Francisca Duran, for the reduction of the required front yard setback from fifteen feet (15') down to four feet (4') in connection with building a carport. **ACTION ITEM**

The subject property is located generally south of Clarkson Drive, approximately five hundred and twenty feet (520') east of S. 11th Street (1170 Clarkson Drive).

Tim Richardson, Patio Covers Unlimited, Filer, ID mentioned his customer requested a carport and in order to build that he's asking for a four foot setback. The hardship is it's really the only place on their property that they can park their cars and to have them covered he has to build a 24' wide carport and get this variance for four feet from the front. There will not be any sides to the carport.

Mr. Wynes noted staff has recommended approval subject to the conditions listed in his memo. There are other types of buildings and structures along Clarkson in this area and this one will be one of a few that are legal.

Mr. Andreozzi noted from Public Works point of view in this particular neighborhood and in this particular location that parking is there currently. The difference is they would like to cover their parking area. Public Works does support this. The concern is visibility, so one of the proposed recommendations is that the sides aren't built. We concur with the hardship since it is extremely difficult to get into the side and/or backyard because of the way this particular subdivision was created. This particular area uses off-street parking. Also, the carport can't be moved back because of the location of the access to the home.

Mr. Calder noted he would also like to see the recommended conditions placed on it.

Mr. Wilkinson noted there was some background information in his memo, bringing attention to item number four. There was prior discussion with the City Planner and carports are allowed to go down to three feet, but that would encroach into the easement so they could place the support posts at five feet or go through the process and costs of adjusting the easements. Memo item number nine should read "it is *not* clear". There will be some separation requirements between the carport and the porch structure and it can't be determined whether or not the separation is met. The site plan will need to be revised to show those two items in particular. His department is recommending conditional approval with the conditions listed in his memo.

Mr. Richardson noted when starting the process he went to the Planning Department and was told the allowable setback was three feet. He knew he would need a variance for the front yard but thought the four foot side yard that was agreed to by his customer was more than adequate. He was a little unclear on what setbacks are actually required.

Mr. Wilkinson clarified the Zoning does require a three foot setback however there is a five foot easement that exists along that side lot line. If going down to three feet, the easement will need to be abandoned or the width adjusted so that if the easement is needed in the future the carport won't be in jeopardy.

Mr. Richardson noted he thought easement and setback was the same thing, so that was his mistake. Two-car carports range in size from 22 – 24 feet. He was just trying to maximize the parking area. If he can't get approval at four feet for the posts he can go back to the customer and see if they are ok with shrinking the cover down a foot.

Mr. Wilkinson asked if Mr. Richardson has seen the conditions listed in the memo and agrees with them.

Mr. Richardson said I have. As far as the view, does not putting sides on it address that?

Mr. Wilkinson said yes. Typically those are sloped and they have a curve coming down the side.

Mr. Richardson said not mine. Mine are flat. There's a quarter to a half inch per foot slope so we're talking at the most we would drop it a foot but on something like this we would drop it more like eight inches from the house to the gutter. I can even build it taller if need be.

Mr. Wilkinson said what's the typical distance from the ground to the bottom of that roof?

Mr. Richardson said nine to nine and a half feet.

Mr. Wilkinson said that would work for the visibility issues.

Mr. Richardson said we are going to cut back their existing structure and seal up between the existing patio cover and the carport. We go through all the permit process. They're all 90 m.p.h., exposure C, 40 lb. snow load, and all that. There really won't be any separation, we'll attach to and run several beams to make sure this doesn't blow away.

Mr. Wilkinson said I'd like condition number three to be revised stating the site plan is revised showing the post location meeting a five foot side yard setback.

Mr. Hecht wondered what would prevent the owners or even new owners down the road from putting sides on the carport later. There are structures all over the city that once approved the owners do what they want. What can be done to enforce that?

Mr. Wilkinson noted there aren't Code Enforcement Officers in the City of Elko and there's a hiring freeze. If approved with a requirement that they don't enclose it and they do it anyway, if

it comes to the attention of the City that they didn't get Building Permits that are required that's the best we can do. In addition if some accident occurs as a result of that the City has taken the appropriate action, and they chose to work outside of what's approved. If the property sells it might come before the Planning Commission to address that issue.

Vice Chairman Perry said the conditions stay for the variance permanently. I'm assuming the setback doesn't encroach on the sidewalks.

Mr. Wilkinson said no the four feet is from the property line and the property line is at least one or two foot back-of-walk.

Vice Chairman Perry said will the existing covered deck be removed?

Mr. Richardson noted part of it.

Motion: Conditionally approve Variance No. 5-10 subject to the following conditions:

1. The variance is granted for a reduction of the required front yard setback from fifteen feet (15') down to four feet (4') as shown on the site plan labeled Exhibit "A"
2. A building permit must be obtained for the proposed carport. Said permit must be obtained within twelve (12) months of the date of final approval of this application.
3. The nine (9) conditions as listed in the memorandum to Ed Wynes, City Planner from Scott A. Wilkinson, Development Manager dated October 23, 2010, stated as follows:
 - 1) The variance is granted for a reduction of the required 15 foot front yard setback from a public street to 4 feet.
 - 2) The posts on slab for carport do not encroach into the required side yard setback of 5.5 feet.
 - 3) The site plan is revised showing the post locations meeting a 5.0 foot side yard setback and overhang distance from the posts to the edge of the carport. The site plan is submitted with the required to the City for review and possible approval.
 - 4) The post locations are approved by the City of Elko or the locations are surveyed.
 - 5) That the carport not be enclosed on the sides.
 - 6) The variance is granted for a time period of one-year to be consistent with 3-2-22 (5) and 3-2-22(F)(1).
 - 7) Construction is completed within 18 months as required under 3-2-22(F)(1).
 - 8) The plans are to conform to the submitted Exhibit as a part of the application as required under 3-2-22(F)(2). Plans are to be submitted for review and possible approval by the City of Elko.
 - 9) The variance is subject to Planning Commission review, if required, in two years.

Commissioner Owen's findings are this variance conforms with the Streets and Highways component of the City Master Plan, Section 3-5-4 of the City Zoning Ordinance – Residential Mobile Home Zoning District, Section 3-2-22 of the Elko City Code (Variance Procedures). The property is characterized by a specific circumstance or feature. There is a deck on the left side of the home which is covered. This deck also serves as the entrance to the home. The intention is to cut back a portion of the cover and deck to install a carport. The unique feature does result in a practical difficulty or hardship. The location of the covered deck is such that there is not enough

room to locate a carport without having to go into the front yard setback. The circumstance is unique and does not generally apply to other properties in the area or vicinity. Some of the surrounding properties have a dwelling sitting further back on the lot or more to one side or the other so there is some room to locate a carport on the property. Granting of the variance will not adversely affect other properties or affect public interest, health, safety or welfare, sight distance, visibility, size, height, mass of structure. The property to the left has parking across the front of the lot, so there should not be any hindrance with either property owner backing out into the street. Granting of the variance will not impair the purpose and intent of the code. There are other property owners in the area who have the same type of a situation and have developed carports on their properties. Granting of the variance will not affect natural resources and there are no natural resources in the area to be impacted by this project.

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

****The motion passed unanimously.**

3. Review and consideration of Variance No. 6-10, filed by Catherine Wines on behalf of Carl and Janet Pescio Trust, for the reduction of the required rear yard setback from ten feet (10') down to four feet (4') in connection with constructing a gymnasium. **ACTION ITEM**

The subject property is located generally northeast of the corner of Sagecrest Drive and El Armuth Drive (3250 Sagecrest Drive).

Catherine Wines, design consultant and architect of record, noted there is a fitness/tanning center being built. The current owner of Paradise Tan will move there. The property was going to be a new Sears building, but that project fell through. This is going to be a state of the art fitness center. The current building was originally designed to have a half-court basketball gymnasium, but from public interest and talking during the initial construction phase they decided a full-court gymnasium would be justified and needed to serve the clientele. We are proposing to add an 80' x 120' gymnasium which is almost 7,000 square feet. We are asking to encroach into the setback by six feet. It's a unique location because the rear yard is Mountain City Highway. We talked to Jim Aggard, Elko NDOT, who is in charge of right-of-ways and he has no problem with us going into the City setback. We understand from the recent talks on the Master Plan update and Recreation Center Feasibility Study that Elko is very underserved with gymnasiums. A lot of bleachers wouldn't be possible if we pulled the building back; probably only three rows which isn't enough for tournaments. The purpose of the gym is to make kind of a community gathering space. One thing noted in the memo was they could have thought of this before they started building, but part of the dirtwork was already done for the old project; Sears. Another concern was it will be a big blank wall right on Mountain City Highway, but that's not true. We have a client who is concerned and interested in making it an attractive building. The elevations don't show the Mountain City side but it will be similar. There will be a lot of windows. There was also a recommendation about landscaping. We have a proposed landscaped design from Team Green and they started work today. One of NDOT's requirements is that you don't have any vegetation over two feet tall so there won't be any trees but certainly a nice plan.

Travis Gerber, representing the Pescio Family Trust, noted this property was purchased and it was in distress and foreclosure after the Sears project failed. There were footings left in the ground. There was an architectural plan in place and Performance Athletic Club used that same footprint for the existing Phase 1 that is going up now. The recent survey of services in Elko pointed out that there's a need for more gymnasium and indoor recreation space, therefore the Pescios decided to put in this first-class gymnasium with bleachers and a sideline area for spectators. It will give the community the ability to hold leagues, various sports classes, and any hall or social event could be possible. It will have hardwood floors, rollout bleachers, backstops, etc. This project has a special circumstance, the applicant has continued with the development of a partially developed property, thus inheriting some existing constraints with regard to approved plans and building location. This gymnasium is only possible if it has this width. If you shorten the width, you severely curtail the usefulness of this building and perhaps eliminate it's usefulness for spectators or families. The gymnasium/fitness center also fits the criteria that it is not a detriment to the public interest, health, safety or general welfare. In fact, it's the opposite. It's a benefit to Elko. One of the strong points of this project is that it's a private project and will not require any City funds to build. Phase 1 is approximately a \$3 million project. The gymnasium addition will be another approximate \$1 million. This is a large project for Elko and will benefit the city for years to come. As I've worked in the courts, specifically in the Family and Juvenile Courts this project should be welcome in the community as it will invite and encourage adults, youth and families together to participate in sports and recreation. It will directly help to alleviate boredom, substance abuse, addiction and other antisocial behavior by encouraging sports, dance and exercise as a healthy alternative. Private enterprises in the city are working hard to provide these opportunities with the Igloo and other plans that are in their design phases. This project is in line with the City's goals of providing more recreation. The project will bring tax revenue to the city. The Pescios have said this variance will make or break Phase 2, either the gymnasium will be built or it will not be built. This is an amenity that will not significantly increase their revenue. This six foot variance will be imperceptible to vehicle traffic from the roadway, in other words NDOT has sufficient right-of-way and NDOT is not opposed to granting of this variance. It will be entirely within the property boundary lines, just simply within the setback. This project is funded and ready to be built.

Mr. Wynes noted some of the presentation was not a part of the application and his interpretation of what was being done differs from reality. He may have made a mistake regarding a hardship if in fact they did build on the original footings and therefore, recommends approval.

Mr. Andreozzi noted Public Works feels there are some unique circumstances with this particular parcel regarding the three roads and salvaging the prior project. There's plenty of buffer. The applicant's willingness and sensitivity to try to architecturally blend the building in and provide some additional landscaping are all things that add positively to the scale of the building. Public Works supports the approval.

Mr. Wilkinson called attention to the Engineering Department's comment recommending NDOT approval. Both he and the developer's representative have check with NDOT and they do not have setback requirements on their right-of-way. The second comment was to provide a detail for drainage away from the building if approved. This is addressed in the Background Information of his memo, which would be required with submittal of the Building Plans. The

Development Department is recommending a conditional approval with the eight conditions as listed in his memo. He assumes the developer's representative has looked at the conditions and agrees with them.

Vice Chairman Perry asked if condition number three addresses the NDOT approval and if it has to be written.

Mr. Wilkinson said we didn't seek a written approval from NDOT, I talked to them. The comment was just for NDOT approval. I don't believe they'd give us written approval. They don't really have any reason to review it. The applicant submitted revised civils. The area where their proposed building was, there was some parking area and they've relocated that parking out to some areas that were proposed to remain vacant. I did submit our approval letter and a copy of that drawing to NDOT and then did a follow up conversation with Jim Aggard, and verified with him they did not have building setback requirements along the NDOT right-of-way. Number three has to do with our request for landscaping and landscaping in the NDOT right-of-way will require NDOT approval.

Mr. Hecht had a concern with exits from the gym.

Ms. Wines said no exiting will be onto Mountain City Highway.

Mr. Hecht questioned how they would get out the east side with just a 10' area. There needs to be exiting out the back side of the gymnasium.

Ms. Wines noted there will be a sidewalk around the building to move them to the west side, so the exit would be on the Mountain City side but no direct exiting onto Mountain City Highway. The building hasn't been designed yet. Exiting could also go behind the building and down towards Sagecrest.

Mr. Hecht mentioned he wanted to bring to their attention how far it would be to go down to Sagecrest as compared to going out and around to the west.

Ms. Wines noted it would depend on where they put the exit as to which route would be quicker and easier.

Mr. Wilkinson noted one of the conditions is landscaping along the Mountain City side of the building. It can be resolved going through plan approval but our preference would be to not have a sidewalk adjacent to an existing sidewalk.

Ms. Wines noted there is a sidewalk there now, so anyone exiting out the east side of the building could go up to that. We have plans to landscape clear up to the sidewalk even onto public property.

Mr. Hecht said the walkway would have to be from the back of the build to the existing sidewalk.

Mr. Wilkinson said once you cross the property line with that sidewalk that would require NDOT approval to build that little bit of sidewalk.

Commissioner Keener wondered if City staff had concerns with parking availability.

Mr. Wynes noted there was about 2.5 times the required parking with the first building. They are eliminating some parking but adding other parking, so the net result will probably be more than adequate parking in the area.

Vice Chairman Perry asked if Mountain City Highway was four lanes in front of the building, then noted someone mentioned the NDOT right-of-way is 100', which leaves the ability to widen that highway without any problems.

Motion: Conditionally approve Variance No. 6-10 subject to the following conditions:

1. The eight (8) conditions as listed in the memorandum to Ed Wynes, City Planner from Scott A. Wilkinson, Development Manager dated October 23, 2010, stated as follows:
 - 1) The variance is granted for a reduction of the required 10 foot setback to 4 feet.
 - 2) The easement width is reduced. The applicant is responsible for all costs associated with the width reduction and recordation of such.
 - 3) The area fronting the building beginning at the west corner of the building continuing to the east corner of the building is landscaped. This will require landscaping in the NDOT right-of-way and NDOT approval for that landscaping.
 - 4) Aesthetics are to be considered for the exterior of the building.
 - 5) The variance is granted for a time period of one-year to be consistent with 3-2-22 (5) and 3-2-22(F)(1).
 - 6) Construction is completed within 18 months as required under 3-2-22(F)(1).
 - 7) The plans are to conform to the submitted Exhibit as a part of the application as required under 3-2-22(F)(2). Plans are to be submitted for review and possible approval by the City of Elko.
 - 8) The variance is subject to Planning Commission review, if required, in two years.

Commissioner Keener's findings are this variance is in compliance with the Streets and Highways component of the City Master Plan, Section 3-2-9B of the City Zoning Ordinance – CT (Commercial Transitional Districts), Section 3-2-5G of the City Zoning Ordinance, and Section 3-2-22 of the Elko City Code. There is a unique feature which does result in a practical difficulty and hardship. The circumstance is unique and does not generally apply to other properties in the area. Granting of the variance will not adversely affect other properties or affect public interest, health, safety or welfare, site distance, visibility, size, height, mass of structure. Granting of the variance will not affect natural resources in the area. There are no natural resources on this property or adjacent properties.

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

****The motion passed unanimously.**

4. Review and consideration of Rezone No. 5-10, filed by Elko Jennings Partners, LLC, to consider a change in zoning from R (Single Family and Multiple Family Residential) to C (Commercial). **ACTION ITEM**

The subject property is located generally north of Mountain City Highway, approximately one hundred thirty-five feet (135') east of Jennings Way (APN 001-01A-014).

The applicant submitted a letter requesting this item be tabled.

No action was taken on this item.

5. Review and consideration of Conditional Use Permit No. 8-10, filed by Riverview Investors Elko, LLC, for the construction of an apartment complex consisting of seventy-two (72) units on four (4) acres of property within an R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **ACTION ITEM**

The subject property is located generally west of 12th Street and adjacent to Humboldt River (APN 001-630-018).

Kent Davis, Heber City, UT, representing Riverview Investors, noted they worked with Mr. Wilkinson and the Fire Marshall on some of the issues. There are still issues with the parking.

Mr. Wynes mentioned this is the fourth request of this kind in a row. Staff doesn't find any problems that can't be resolved or made a part of the conditions, so staff is recommending conditional approval with the conditions listed in his memo.

Mr. Andreozzi noted Public Work's concerns are regarding access to this location and traffic volumes that are currently associated with 12th Street. Another issue is minimum parking requirements. They do meet the requirements for Code provided they can meet the Fire Department's issues in terms of emergency access, but if there was any spillover they would not be able to park on 12th Street at all. There are large volumes of traffic on 12th Street. When analyzing this there was talk about intersection improvements to Riverview Drive, but it was felt the best thing to do is recommend a traffic study be performed in this area. The traffic study would lead to types of intersection improvements they can consider during a civil improvement approval process. There is an access gate to the H.A.R.P. area there, so we would need an easement for access to the maintenance gate. Public Works supports approval subject to the conditions listed in Mr. Wilkinson's memo and the added condition of a traffic study.

Mr. Calder noted he had two primary concerns. One was about access, mainly the secondary access. There is a letter from the school district that might address the emergency access component. The second is parking. They barely exceed the Code, but due to the RV parking issue that occurs, it pushes parking to the street.

Mr. Wilkinson wanted to hear the Fire Department's concerns so that they can be addressed if they're not in his conditions. With regard to on-street parking for RVs, there really aren't any streets to park on in this location, so that's less of a concern than it would be in some of the other locations considered. The issue of a traffic study was brought up in the Background Information of his memo, but he forgot to list it in the conditions.

Mr. Hecht mentioned the turning radii are not going to work due to the three story buildings requiring the aerial apparatus. The hammerhead at the end is not long enough. There was another concern about snow storage and clearing. They need to get approval from the school district to have access onto their property as a secondary access for emergencies. That would have to be built to standard to accommodate the weight of the fire apparatus. There is only one hydrant shown on the site plan. The buildings will need to have sprinklers and fire alarms, so one of the concerns is water flows since there isn't much for hydrants in the area. A split entry access point might be needed since they will be entering in from another apartment complex. The concern is if there is a tie up at the entrance how will emergency personnel get in there. There needs to be lit signage at the front entrance to show the complex layout and where apartments are and signage on the buildings, so emergency personnel aren't trying to search at night. They will not be able to get the aerial apparatus or hoses to the three story buildings that are set back a ways from the parking area. Is the landscaping in the southwest corner going to address wildland threat issues and weed abatement?

Vice Chairman Perry asked the applicant to address the access and turn-around issues.

Mr. Davis noted in talking with the City Engineer they realize they may have to enlarge the hammer head and reduce some of the parking of which there is a little extra. As far as the split entrance, he's not sure how that can be accomplished because they are limited by what's already there with the other apartment complex, but is open to recommendations.

Mr. Hecht said I can't see how this is going to tie into the other apartment complex layout.

Mr. Davis said if the crash gate is on the back side by the school district does that mitigate some of those concerns?

Mr. Hecht said a little bit but the main entrance is where everybody is going to come in and out. The other one is just for a secondary access to get people out the other direction if needed. We need to look at ways for the main entrance so if something happens there it doesn't block the whole egress and ingress.

Mr. Davis said we'll work out what we can with your input.

Mr. Wilkinson said I think you might have enough room to widen that entry as you cross your property line and have a median there. I think that should be a condition.

Vice Chairman Perry said it sounds like you are in agreement that somehow it can be worked out but the layout may have to change from what the site plan shows.

Mr. Wilkinson noted the rear hose access would be addressed with the final plan submittal and approval. If they don't meet that requirement it would be a problem. I don't think that would change the number of buildings in the site layout, it just might shift them closer to the parking area.

Mr. Hecht said with the requirement that it have sprinklers and fire alarms we might be able to cut that down.

Mr. Wilkinson noted we don't need a condition that addresses that because it will be addressed with the plan approval process. The turning radius issue, I have a condition that says the parking lot design will meet Fire Department requirements. We have a letter from the school district stating they're in agreement to work with the developer to establish access for fire trucks, but it might be worth specifying that.

Vice Chairman Perry said it would be inclusive in number four I think because it has Fire Department's requirements for ingress and egress. That would require secondary access like that.

Mr. Wilkinson said I believe you're correct on that. More than one hydrant can be addressed with the civil improvement plans that are required. Buildings will need sprinklers and fire alarms can be addressed with the architectural plans which are required. Snow storage is a requirement under City Code Section 3-2-17 so that will have to be shown on the civil improvement plans. Lighted signage at the front entrance needs to be an added condition. Split entry needs to be another added condition. Our Engineer looked at this and it is in a FEMA floodplain. Some of that discussion is in the Background. They'll be required to comply with the City's requirements for FEMA floodplain, and that will probably require a submittal to FEMA for a letter of map revision for that property. Our Engineer has a memo to our Planner in your packet with five concerns, but I believe they've all been addressed in my memo. We need to be sure to include that a traffic study is required. Our justifications for that are in the Background item number 11 of my memo.

Mr. Andreozzi noted it is true we will not see people parking on 12th Street, but if you look at what we have now, you'll see people parked in the dirt or even on Riverview Drive itself. My concern about not having adequate parking in this particular area is the potential that you have spillover parking into the adjacent area and it displaces people. I think we need to be very careful not to cut out any parking. It could have a domino effect. You may want to put a condition in there that prohibits the storage of Recreational Vehicles, visitor parking, etc.

Vice Chairman Perry said I recall we had a condition on the apartment complex at 5th and Copper specifically for that and I understand what Mr. Wilkinson is saying with regards to a motorhome, but that doesn't prohibit people from parking boats, trailers and so forth to fill up spaces and that would be considered an RV vehicle I think if we did a condition like that.

Commissioner Keener said there should be a traffic study included, correct?

Mr. Wilkinson said correct. We did an evaluation of 12th Street. We're shooting for a level of service D. It's a bit convoluted because it's four lanes and goes to two lanes over the bridge. You

could probably squeeze more lanes in there but right now it's two lanes. We looked at it based on what would be required for a level of service for a two lane minor arterial and basically with the addition of 500 trips that brings us to about 97% of a rated capacity for a two lane minor arterial. Based on that we felt we've reached capacity and so we think a traffic study is warranted in this case to identify any improvements to the intersection of Riverside Drive and 12th that may be warranted. Our Civil Engineer, Mr. Draper looked at it and we had some discussions and at a minimum we thought we needed a deceleration and acceleration lane in and out of there but I think a traffic study may identify other improvements to the intersection that may be required. We would just be looking at that general area. A traffic study may indicate whether we have a right-in, right-out only configuration at that intersection and things like that. Just based on that rated capacity we felt a traffic study would be warranted.

Commissioner Keener said that in your opinion should be added to the list of conditions then?

Mr. Wilkinson said correct.

Mr. Andreozzi said we would strongly support that condition as well. If you look at that access on Riverview, that is the only full access to this property. It actually provides access to the Riverview Apartments and Quail Run both. Quail Run has an additional right-in, right-out on the south side of the property but this particular access does provide full access to both those complexes now and if the other complex was approved it's the only way you can provide access to that particular location too. With the level of service and the peak traffic that we have there currently a traffic study is really important to tell us what are some of the best ways we can mitigate that particular intersection for the increased traffic. We had a lot of discussions staff-wise about what could be done but we really feel a detailed traffic study can help us refine the best way to manage that intersection.

Vice Chairman Perry said I looked at this and understand what you're saying because it's the access in. Is the parking lot the access in? What part of that is City road and what is private? Is any of it City?

Mr. Davis noted it was an almost seven acre parcel and some time back the city split it and there is a dedicated recorded access that goes right through those apartments and continues on.

Mr. Andreozzi noted the road in from 12th Street is a dedicated road. There is a reciprocal access easement cutting across the Riverview parcel to provide access to that adjoining property. It is not a city street per say. The only city road in that area is Riverview Drive off of 12th Street.

Mr. Wilkinson said you have a copy of the parcel map that shows that access easement.

Vice Chairman Perry asked if both of the parcels were owned by the same owner.

Mr. Davis said no.

Vice Chairman Perry asked how a maintenance agreement for the access easement would work.

Mr. Davis noted they were owned by the same person when they were split but have since sold. That's something we have to work out with the Riverview Apartments. We're negotiating right now.

Vice Chairman Perry asked if it was addressed in the reciprocal access agreement.

Mr. Davis said not that I could see because it was all owned by the same person, so it probably wasn't an issue for the City to address what if it sold to two separate owners, and that's the case that you have now.

Vice Chairman Perry said I don't know that it's so much an issue for the City as it is an issue for the two owners to work out. I can't see where it would be a condition of any kind.

Mr. Wilkinson said no and typically, hindsight is 20/20, when you do reciprocal access agreements it's best on the map to state who's responsible for maintenance of that and a good example is Sharps Access. The maintenance is clearly stated on maps over time. There are two parcels out there out of four that exist that are responsible for the maintenance of that road. At this point in time this undeveloped parcel has a public utility and access easement in place and it's silent on who's responsible for the maintenance of it. It's great that you're working with them in trying to address that but I don't think we'd have any legal authority.

Mr. Davis noted the previous owner wasn't looking at that but now it's something to address and we will.

Vice Chairman Perry said as well as the school district. That's your other big one to get access in through there. He then asked for the secondary access location to be pointed out on the map.

Mr. Wilkinson said between the largest and second largest building is probably the best width to accommodate emergency vehicles and of course the final determination of that routing will come from the school and then we'll have to ensure that it meets the Fire Department's requirements.

Vice Chairman Perry noted he would encourage them to see if they could also put a foot access through there so the kids in the apartments could walk directly to school.

Mr. Wilkinson said I think you could have that as a condition contingent on the District's approval.

Commissioner Keener said that might raise some security concerns unless it was locked at night for the tenants.

Mr. Wilkinson noted if the school district approved it there wouldn't be a gate you would just have two posts that had an opening wide enough for pedestrian access. It may be a security issue but they are open on other sides. It would all depend on the school.

Vice Chairman Perry noted it's just encouraged because right now there is a foot traffic problem for kids that might be solved.

Mr. Andreozzi noted it appears the H.A.R.P. pathway could be encroaching on there. Maybe that could be worked out through an easement as a condition.

Motion: Conditionally approval Conditional Use Permit No. 8-10 subject to the following conditions:

1. That Conditional Use Permit No. 8-10 is approved for the development of a seventy-two (72) unit apartment complex consisting of four (4) buildings at an overall density of eighteen (18) units per acre, in accordance with the submitted site plan labeled Exhibit "A".
2. The Conditional Use Permit will expire if not activated within one (1) year of the date of approval.
3. The eighteen (18) conditions listed in the memorandum to Ed Wynes, City Planner from Scott A. Wilkinson, Development Manager dated October 24, 2010, stated as follows:
 - 1) A screen wall or fence is recommended where the property abuts the RMH and PQP zoned properties.
 - 2) Civil improvement plans are required for review and possible approval. It is not clear if the HARP path currently blocks drainage from the property. This may have to be addressed in the site layout.
 - 3) Architectural plans are required for review and possible approval.
 - 4) The parking lot design is to conform to Section 3-2-17 of City Code and Fire Department's requirements for ingress and egress.
 - 5) All parking lot lighting is to be shielded or cut-off design.
 - 6) An illumination schedule is required to ensure lighting is adequate for safety with minimal impact to adjacent properties.
 - 7) A landscape plan will be required for submittal and approval. The plan is to be in conformance with the preliminary plan submitted with the application.
 - 8) Easements will be required for all utilities. City utilities require a 20 foot wide easement centered over the utilities.
 - 9) An access easement for the HARP maintenance gate will be required.
 - 10) Slope stabilization will be required on all slope areas.
 - 11) A soils report will be required.
 - 12) A floodplain development permit from the City of Elko is required. A hydrology report will be required for the site. A CLOMR and LOMR will be required.
 - 13) Building setbacks are to comply with not only Residential yard requirements but the slope setback requirements for the footings as set forth in the currently adopted IBC.
 - 14) The property and buildings are to be maintained in an acceptable condition at all times.
 - 15) Record proper utility easements. City utilities require a 20 foot wide easement centered of the main utilities.
 - 16) The exterior of the buildings are to be comparable to the elevations submitted.
 - 17) A playground is shown on the plans and is required.
 - 18) Include the City of Elko in discussions with Elko County School District with regard to possible secondary access.

4. The developer will commission a traffic study to evaluate transportation improvements and opportunities in the area, specifically for 12th Street.
5. Parking and storage of recreation vehicles shall be prohibited.
6. Split entry at the entrance to the property.
7. Lighted signage at the entrance to the property.
8. The five (5) conditions listed in the letter dated October 18, 2010, to Ed Wynes, City Planner from Jeremy Draper, Civil Engineer stated as follows:
 - 1) The project is located in FEMA floodzone, an elevation certificate for each building will be needed, a floodplain development permit will be required for the project. The applicant shall file a Conditional Letter of Map Revision (CLOMR) with FEMA and pay applicable fees prior to construction of the project. After the project is completed the applicant shall file a Letter of Map Revision (LOMR) with FEMA and pay applicable fees modifying the floodplain around the project site.
 - 2) The project will produce 484 daily trips with 45 peak hour trips, the project should develop a right in-right out access to 12th Street with acceleration and deceleration lanes similar to neighboring properties.
 - 3) A 6' screen wall should be installed between the applicant's property and the property to the south and the west of the property zoned PQP and RMH.
 - 4) A landscaping plan shall be included and shall compliment the current landscaping of the adjacent HARP project.
 - 5) A soils report shall be completed prior to development of the project.

Commissioner Keener's findings are this conditional use permit is in conformance with the Land Use component of the Elko City Master Plan, Streets and Highways component of the Elko City Master Plan, Section 3-2-3 of the City Zoning Ordinance, Section 3-2-5 E 3 of the City Zoning Ordinance R, Section 3-2-17 of the City Zoning Ordinance – Traffic, Access, Parking and Loading regulations, and Section 3-2-18 of the City Zoning Ordinance – Conditional Use Permit Procedures. The proposed use does conform with the purpose or intent section of the Zoning Ordinance. The proposed use does conform with the City Master Plan. The nature of the proposed use and locational factors do not result in any negative influence or affect on adjoining properties. The location of buildings, parking and related facilities do not result in any negative influence or affect on adjoining properties. The quantity and distribution of traffic does result in a negative influence or affect on adjoining properties or on the general patterns of traffic flow and circulation within the area or vicinity. Other factors or conditions influencing location in the particular zoning district do not result in any negative influence or affect on adjoining properties. The immediate area is all zoned residential except for the Southside School site.

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

****The motion passed unanimously.**

III. REPORTS

- A. Summary of City Council Actions.

Mr. Wynes reported the appeal of CUP No. 5-10 was heard October 12th. They upheld the Planning Commission's recommendation by a 3-2 vote.

Vice Chairman Perry asked which one that was.

Mr. Wynes noted 5th and Copper Streets. Plus there will be two appeals at the next meeting for Ormaza.

Vice Chairman Perry said so that one's still there? They're moving forward with that one?

Mr. Andreozzi said it has to be heard.

Vice Chairman Perry asked if they've withdrawn it.

It was noted they haven't.

Mr. Wilkinson said I'm not sure they can simply withdraw their application. The Planning Commission has taken action and there's an approval out there, so the appeal has to be heard and then the Council has to take specific actions; affirm, modify, or reverse. The real issue is how do you reverse that Planning Commission decision without making a determination that the use is not appropriate for that location? That's a big question mark out there. How does the Council take that very specific action because if they just deny it without taking a very specific action I think it would preclude any further applications for high density in that area. There's a question of whether the City should be attempting to enforce C.C. & R.s to start with and there are clauses in that C.C. & R. document that are not compliant with City Code or NRS with regard to the types of structures to be constructed. There are a lot of questions with regard to all of that.

B. Summary of Redevelopment Agency Actions.

Mr. Wynes reported there were no RDA meetings. The RDAAC had an open house on October 19th and 20th with CRSA asking for community input. The evening of the 20th was set up to show the Master Plan and the Downtown Redevelopment Plan. There was a small group who are very interested in what is being done. They asked questions about planning issues. CRSA was busy showing what is being done for the downtown area.

C. Professional articles, publications, etc.

1. Zoning Bulletin
2. Zoning Practice

D. Preliminary agendas for Planning Commission meetings.

Vice Chairman Perry asked when the next CRSA meeting was going to be.

Mr. Wynes said in two weeks.

Mr. Andreozzi noted it wasn't. The next thing we're going to be going into is the adoption phase and of course we're not ready for that, so we need to just continue to go through the iteration phase and continue to refine the document down. With the holidays coming on it will probably take a couple of months to get there. We anticipate starting the adoption process after the first of the year.

Vice Chairman Perry noted there was a lot of discussion on the Land Use Map. That may take a little time and another look. It seems like it's moving forward. Are they or City Staff receiving many public comments beyond the workshop a couple weeks ago?

Mr. Andreozzi said not a whole lot. I don't know if people are commenting on the website or not. We've given a lot of opportunities to do that and we still entertain those comments.

Vice Chairman Perry said I checked the website this morning and they're keeping it up to date pretty good.

- 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.

Rich Perry, Vice Chairperson

Reece Keener, Secretary