

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, FEBRUARY 5, 2019
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

Jeff Dalling, Chairman of the City of Elko Planning Commission, called the meeting to order at 5:30 p.m.

ROLL CALL

Present: **Evi Buell**
 Ian Montgomery
 Jeff Dalling
 John Anderson
 Stefan Beck
 Tera Hooiman

Absent: **Vacant**

City Staff Present: **Scott Wilkinson, Assistant City Manager**
 Cathy Laughlin, City Planner
 Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

January 3, 2019 – Special Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from January 3, 2019.**

Moved by Tera Hooiman, Seconded by Evi Buell.

**Motion passed unanimously. (6-0)*

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible recommendation to City Council for Rezone No. 1-19, filed by Defty Family Trust, for a change in zoning from AG (General Agriculture) to IC (Industrial Commercial) zoning district, approximately 27.605 acres of property, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest side of W. Idaho Street, approximately 1,376' northeast of I-80 Exit 298. (APN 001-679-012).

Cathy Laughlin, City Planner, went through the City of Elko Staff Report dated January 17, 2019. Staff recommended approval with the findings in the Staff Report.

John Holmes, Fire Marshal had no concerns.

Scott Wilkinson, Assistant City Manager, recommended approval as presented by staff.

*****Motion: Forward a recommendation to City Council to adopt a resolution, which approves Rezone No. 1-19.**

Commissioner Buell's findings to support the recommendation was the proposed rezone is in conformance with the Master Plan Land Use Component. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure. The proposed rezone is in conformance with the City of Elko Airport Master Plan. The proposed rezone is consistent with the City of Elko Wellhead Protection Plan. The proposed rezone is consistent with Elko City Code 3-2-4(B) & (C). The proposed rezone is in conformance with Section 3-2-11(B) IC – Industrial Commercial Zoning District. The proposed rezone is consistent with Elko City Code 3-2-17. 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.

Moved by Evi Buell, Seconded by Stefan Beck.

****Motion passed unanimously. (6-0)***

2. Review, consideration, and possible action of Conditional Use Permit No. 1-19, filed by Sundance Mini Storage, LP, which would allow for a mini storage facility, recreational vehicle storage, and U-Haul rental and storage 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 (APN 001-01E-039 & APN 001-01E-040).

Andrew Knudsen, 5013 W Bullion Road, explained that they had applied for a CUP. They have worked close with the staff on this for the last couple years, and are continuing to work with staff to make sure they meet all the conditions. They still have conditions to satisfy, because they are still in the construction stage, and they are continuing to work on those until they are all satisfied.

One of the conditions to still be satisfied is the sidewalk was installed on the property, so they have to create an easement for the sidewalk. That has been drawn up on the new plot map. Another condition is lighting. The lighting that was installed was approved. Unfortunately, there were some complaints on the lighting, so they had to go back to staff and see what they could do. They are working on that condition and it will be satisfied. He thanked staff. Also there are letters that neighbors have written that approve and are inviting the improvements of the ground. They were also able to contact 15 others out of those that were noticed and they had no complaints.

Ms. Laughlin went over the City of Elko Staff Report dated January 18, 2019. The Applicant has requested to include vehicular storage as well. Ms. Laughlin wanted to talk about the previous Conditional Use Permit, and its 32 conditions, of which were met. Some have been satisfied and some were included in the staff memo with some minor modifications. Some of the conditions were repetitive. Going through the previous conditions of the Development Department, all of those conditions have been generally satisfied. There are a few things that they are still working on until the property gets completed, such as the lighting and the landscaping. The Engineering Department conditions have also been satisfied, with the exception of the pedestrian access easement, so that was added to the new CUP. The Public Works condition was a City Code and not an actual condition. The Utilities Department condition was a City Code as well. Under the previous Fire Department conditions, most of those were Fire Code related, and they would not be conditions. A condition is something above and beyond what code requires. There are a few Fire Department Conditions listed in the new memo. She wanted to discuss the last couple of bullet points from the previous memo. The first one was the full perimeter of the property be landscaped, and the second one being landscaping to Code. Those are possible conflicts. We require in the Commercial Zoning District that the landscaping to comply with Code. Staff felt those two were conflicting. Staff has added a condition in regards to the landscaping, but they did not add those specific previous conditions. Number 3, the buildings to be of earth toned color pallet, which has been completed. The wrought iron fencing is also done. Elevations and landscape plan be approved by staff before the CUP is finalized. That is one condition that there won't be any elevations for the building permit for the new development of this property. He will be doing a site improvement permit, which will show the grading, base, and fencing. There won't be any new buildings there, so elevations would not be required. If you wanted to require the landscape plan be reviewed by staff that would normally be done with the permitting process. That condition was not included in the new CUP. Staff recommended approval. There are a few minor modifications to the conditions from what was included in the staff report. Those are listed as follows:

1. The permit is granted to the applicant Sundance Mini Storage, LP allowing for the development of commercial storage units, recreation vehicle storage, vehicular storage, and U-Haul rentals and storage. Prohibition of storage of construction equipment and material after completion of the project.
2. The permit shall be personal to the permittee 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. CUP 1-19 to be recorded with the Elko County Recorder within 90 days after the commencement of the expansion to the current facility.
5. A landscaping plan is required. All landscaping required by Elko City Code shall be maintained in a manner acceptable to the City of Elko at all times by the property owner.
6. The development of curb, gutter and sidewalk along Mountain City Highway is hindered by a pet cemetery located in NDOT right of way. 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 provided by NDOT.
7. Lighting of the property shall be cut-off shielded lighting and directed away from the residential properties. Site lighting complying with 3-2-17 shall be presented to meet the code furthest away from the residential properties.
8. Access to the property shall be limited to Sundance Drive as shown on the plans.
9. A screen-wall or fencing is required unless determined otherwise by the Planning Commission. This condition is to be clarified by the Planning Commission on the type of screen wall or fencing that is necessary and acceptable.
10. BLA 1-19 be approved and recorded at the Elko County Recorder's office.
11. Expanded area to have an all-weather surface such as base with a minimum of 6" deep in all areas outside of designated fire department access areas.

Mr. Holmes said he wanted to strike Condition No. 2 listed under the Fire Department Conditions. There is concern that if we keep going with this parcel that they will not have a secondary access, but that can be addressed later. He then listed his other conditions that were included in the staff report. 1. IFC D102.1 Access and Loading: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. 2. IFC Appendix C - Fire Hydrants need to be shown on plan review and needed for new area proposed.

Chairman Jeff Dalling asked if the proposed development was going to be asphalt and striped.

Ms. Laughlin said no, it would be a road base.

Chairman Dalling asked if that could carry the 75,000 pounds.

Ms. Laughlin explained that the applicant would have to prove that in their design.

Mr. Wilkinson recommended approval as presented by staff. He wanted Ms. Laughlin to further clarify Condition No. 7 on what the intent is there. She can discuss the Code requirements and we can shift the lights away from the residential property. They will need to show a plan, so they meet the minimum lighting standard. On the residential property line Ms. Laughlin can discuss that. The intent of that condition will be met. He thought the Planning Commission should consider the wrought iron fencing to be extended on the proposed expansion area on the NDOT right-of-way. We've talked about what type of screening might be required on the south and west

property lines. On the south line, the screen fencing needs to be connected to the existing building.

Ms. Laughlin explained City Code Section 3-2-17 requires that all parking areas are lit, and that 80% of that area needs to meet a certain minimum requirement of .25 candle foot. In that condition stating that staff would like that lighting away from the residential properties, and that, if presented to meet the Code, staff would like the 80% of the additional parcel area to be met along Mountain City Highway. The area along the residential properties could have 0 candle foot lit on the photometric design. Twenty percent can be zero light and eighty percent needs to meet that minimum candle foot, so the City would require that to be along Mountain City Highway.

David Sirotek, 1530 Tamarack Rd, read the following letter into the record.

The City Planner was expecting an updated map yesterday that would show the applicant's proposal for a screen wall between our fence and his interests, as required by the City, but the City didn't have it as of yesterday afternoon, so we haven't seen it. Our observations and assumptions are based on the plot map in the City packet.

Upon receipt of notice for this public hearing, my initial reaction was negative. Our family and the use of our home and property has been severely impacted by the applicant's previous mini storage facility construction, including a broken new vinyl fence, a very large trench IN our driveway, routinely clogged air intake vents, interior plaster crack from the contractor's use of an industrial compactor on high setting, contractors barking at our dogs, etc. It has been difficult. One complaint by us, regarding the side driveway trench, resulted in a former City employee sending US an order to stay off Andrew's property. We weren't on it. We didn't need to be, because the trench was literally in our driveway. We realize that the City has a right to utilize the setback but not a private contractor. I had to stop my children from playing in our yard while a very large truck brought a torn-down Arby's sign and crushed in right next to our yard. So many issues were prevalent. Naturally, I was defensive regarding a new project. Upon reflection and consideration, I looked at the plot map and packet the City posted for this latest CUP, and gave critical thought to what truly impacts us and what I can reasonably request as a condition of the Conditional Use Permit (CUP) and of the builder as a "neighbor." My husband and I went to the City Planner for assistance in navigating the documentation. We consulted an attorney who specializes in mixed use issues to determine typical equitable solutions to conflicting interests in mixed use areas, to ensure that we don't waste time or energy requesting anything unreasonable or unrealistic.

We did notice that the CUP application stated, on line 2, that the proposed use would be "mini storage." NO mention was made of RV storage and a U-Haul business on the undeveloped parcel. The City Staff Report introduction also only listed as "storage units" on the cover page. Zoning for RV storage and a U-Haul business are expressly stated as a permitted G I LI Industrial in Elko City Code 3-2-12. Because the property behind our home is Commercial, we were concerned that the use would bypass zoning conformity. This is the point at which we spoke at length with the City Planner, Cathy Laughlin. She assured us that this use is allowed as a conditional use under General Commercial, even though it is an expressly permitted use under Industrial zoning, and that other businesses of the same type are zoned Commercial. She then explained that even though the two parcels are currently separate, a Boundary Line Adjustment is being requested to combine the two. We forgot to ask her why Mr. Knudsen's application stated only mini storage use as his property use and the Staff Report did the same, but we aren't sure it even matters. The three uses are included. The mini storage is currently on a separate parcel and under another CUP. The undeveloped parcel will house the RV storage and U-Haul

storage and rentals, if approved. Ms. Laughlin stated that all of the conditions of the first CUP would apply to the one covered today, but that we can request additional conditions be imposed by the Planning Commission. This brings us to our requests for conditions that we hope will protect us from home devaluation, light trespass, noise, excessive dust, and commercial to residential conflicts. We hope to contribute to equitable solutions.

U-Haul Business: Referring to the map, we think the builder has done a good job lessening impacts on residents by placing the U-Haul business in the corner further away from homes. We had been concerned about noxious exhaust fumes inhibiting us from using our yards for entertainment. **We ask that a condition be included in the CUP to ensure that placement on the property.** The view from Mountain City Highway and Cattle Drive don't concern us. That is up to Andrew and appears to us to be a good plan along the highway. Our concern is what we see from our property.

Landscaping, screen wall, and lighting, particularly aiming to protect property value and us, are our family's top priorities.

Screen Wall: The map posted by the City and that Cathy showed us yesterday, does not show a screen wall between the business activities and our properties, but she stated is required by code, due to the abutment between Commercial and Residential. She clarified that the City stipulates a "wall that ensures that it can't be seen "from without," in this case from residential homes and yards. We do have concerns about accessing our fence in the event it needs repair. In a residential neighborhood with homes backing homes, we could ask a neighbor to assist or allow access via his property. With commercial abutment and the required screen wall, which we definitely want, too close a proximity between the two renders that impossible. We assume a gap will allow the business owner access between the screen and our fence.

With the latitude allotted to the Planning Commissioners in terms of screen walls and landscaping, we are hoping for a solution that mitigates the devaluation of our homes, provides protection from unsightly views from our windows, porch, and yard, prevents residential property damage, and allows a reasonable distance buffer to prevent weeds from encroachments into yards and from entrapment between our fence and the commercial wall. We would personally like to see an elevated landscape buffer with dense evergreen trees and other vegetation, combined with a structural wall, similar to what is seen at Rabbitbrush Apartments. This could even be combined with a lowered elevation for the RV pads.

We have seen elevated landscape berms with dense evergreens alone, with walls, and a combination of both in this city and others. We have seen distance buffers with both the berm and walls, or with only one of the two. We have seen less sightly options, and sincerely hope those aren't even considered. This provision of the development can make the difference in alleviating impacts on all involved. **We ask that the commission provide details in the motion that will ensure that those details are on the CUP.**

Landscaping: During the previous CUP hearing the Assistant City Manager noted specifically that trees would provide the best buffer for sound, and we note that it also assists with controlling light trespass and views of property that does not conform to or complement the residential feel of a neighborhood. The easement next to our house was discussed extensively in the first CUP hearing, with talk of trees and bushes. The builder then place the sewer pipe a few feet from the property line between us, and the City later said he could not place trees. **The intent of the term "landscaping" was clear, but specifics were not included in the CUP. We ask that these details be included in the motion and included in the CUP.** Vegetative options do exist, which have large growth habit and shallow root systems. This condition did not need to be negated. Even large bushes would help block the glare from the shiny top of the storage building that prevents us from leaving blinds open in our family room. **We ask that a condition for**

landscaping stipulate trees and large bushes (i.e. Ninebark, Dogwood, lilac, apricot trees, etc.). Landscaping that includes trees within the business property and between residential and commercial would comply with the "seen from without" clause clarified in code by the City Planner. Details are so helpful. We believe strategic landscaping would minimize negative impacts on our property, while enhancing Mr. Knudsen's property. On a side note, the shade offered by trees would be attractive to RV owners seeking storage options.

Modifying our yard: *We will contribute to our own needs as well, by modifying our existing landscaping as much as we can. Some is prohibitive, due to setbacks and other limitations. The existing Septic prevents some options. We have extensive landscaping of our own, with underground irrigation and vegetation, which has been completed for years. Combining additional evergreen trees on our side and others on his would certainly create a multi-layered view improvement that could help preserve our property value. We live in a neighborhood of high value homes that would experience an extremely negative impact with the addition of an unattractive view that outweighs the same placement in an area of lower property values. Buyers at this price point are savvy and have more options, such as building, remodeling, or buying another home, than those buying lower cost homes abutting the same commercial property which means fewer buyers and decreased likelihood of expected home value inflation. These buyers would expect not to have a view of RVs through windows, on the porch, or in the yard. We are this buyer type, and we value trees to create a visual buffer.*

Commercial zoning doesn't normally require a setback, but a commercial property directly abutting residential yards isn't typical. That is made obvious by the need for a conditional use permit. This development is in the realm of mixed use, which many communities maintain with dense tree screens (most a combination of evergreen and deciduous) on elevated land berms on the commercial property side. Such a combination would be visually appealing to both the commercial and residential properties.

Lighting: *The mini storage property currently is utilizing lighting fixtures that are not cutoff, shielded lighting as specified in the existing CUP (8-15). While the placement of some fixtures will be changed upon completion of the final building (along Mountain City Highway), the lack of cutoff, shielded lighting will continue to create light trespass, which have been experiencing, as have other neighboring homes. The placement of the lights will certainly also be important to prevent light trespass, because placement directly across from the end of another building will cause the light to bounce. The lights being used are extremely bright. The wrought iron section across from our driveway also allows light trespass, and may even do so with cutoff, shielded fixtures, because there is no building, screen wall, or evergreen vegetation blocking the light entering our children's bedrooms and yard. Headlights are not helping the matter. Mounting the light fixtures at a lower level may help. As far as security, the lighting would still serve the business well. **We request additional emphasis on the need for legitimate cutoff, shielded lighting fixtures, a lower placement on buildings, and some sort of shielding of light trespass in the first rows of the mini storage facility. Can the lighting fixtures be placed toward blacktop to prevent light bouncing off the facing building ends? We also request evergreen screening or wall in the current wrought iron area near the cul-de-sac. There is a fire hydrant there, so we assume evergreen trees/bushes with enough height to use to block light would be more appropriate, cost less and would reduce weeds.***

For the parcel that is currently undeveloped and slated for outdoor storage, we would like to see a condition for fully shielded, cutoff lighting, placed no higher than 3 ½ feet off the RV pad surfaces, in the RV and U-Haul areas, but please consider that even directional lights cause light pollution. Please stipulate directional lighting in a minimum quantity, that will prevent light trespass on our property. The central areas and Mountain City Highway areas of

*the RV property should not be shining in our windows, either, and our perspective is that substantial numbers of lighting fixtures should not be necessary if the applicant maintains standard, daytime business hours and have a locking entrance. **We request a condition for standard, daytime hours, like that of other similar businesses in the area.** Most are open until 5, but reasonable similar to that would help minimize traffic impacts on neighbors.*

***Unpermitted Uses:** The properties (two, because the boundary line adjustment has not yet divided the parcel) are currently being used to store light vehicles, heavy equipment, a sewer sludge tank, and construction garbage. Cathy Laughlin stated that this issue will be resolved. No light vehicle storage is listed for storage under the CUP. **Specific reference to this as a condition would be optimal.** No reference is made to heavy equipment use on the commercial property, but we are definitely impacted by the use of a backhoe for snow removal. It emits fumes from the diesel fuel, is loud, and is visually unattractive from our perspective. Heavy equipment storage is not requested as a condition of the CUP and storage like that is industrial. We assume it will not be used after the development is completed. Cathy indicated that the storage of such units is not allowed and is being resolved. We would appreciate clarification on what is planned snow removal and moving recreational vehicles.*

*We are only asking for these conditions and considerations to assist with protecting property value, family, quality of life, and to maintain reasonable, typical use of our properties. We understand that Mr. Knudsen is trying to create a business and earn a living. The difference is that he can go home. We live here. We want to be able to entertain family and friends in our home and yard, host birthday parties for our children, enjoy extended living on our porch and get adequate sleep at night. Using a single, secured entrance should help limit light trespass, due to not needing a street light on Mountain City Highway. We appreciate this aspect of the design plan. We also give nod to the placement of the U-Haul area in the area furthest in distance from residential properties, but seek to add that to conditions. Please consider our requests for conditions and discussion. The final request is in reference to the existing CUP. Cathy assured us that all conditions of the CUP will apply to the new one, while additional conditions can be applied. **We are asking that attention be paid to any potential conflicts and that they be addressed prior to motion for approval.***

David and Marina Sirotek

Ms. Laughlin explained that the reason staff asked for a new map, was because the map provided did not define the fence line. There was no screen wall shown abutting the residential properties. Staff requested a new map, which is in front of you, and they called out screen fencing along the southern property line, the screen fencing will consist of 6 foot high chain link fencing with slats. The fence along Mountain City Highway and the fence along the westerly property line is not labeled at this time. The applicant can let us know what he is planning for that.

Mr. Sirotek said it was a good design. The buffer between the fence and Mr. Knudsen's property. Mr. Sirotek thought the bare spots in the RV Parking would be a great place to plant trees and make it look nice.

Leslie Vera, 1542 Tamarack Rd, explained that they had gone through this process once before with Mr. Knudsen and his wife. She stated that they weren't against it, they just wanted to make sure it was pretty, and that it kept the value of their properties up. She had a couple areas of concern. Ms. Vera wanted to make sure that the Commission was taking into account in the CUP tonight, because she didn't know before that it had to be stated in the CUP for it to be held accountable. There was a lot of talk last time from the Planning Commission and the City, but

not all of it is being held to because it wasn't put into the CUP. She wanted to make sure that the Planning Commission takes a part in some of the planning tonight for this new business. One of the concerns she had was on the back side of their properties, where now there is a screen wall there wasn't one before, they are parked right up to the fence. Even now she didn't see any type of buffer between their screener and the property owner's fence for maintenance or access. Also, she was now concerned because a 6 foot slated fence was mentioned. She drove around to see what other people were doing and what other things have been required for other properties. There is a beautiful RV and mini storage unit going up on the south side of town abutted right up to residential. It is right up to the other properties, but they left an elevation difference and they also had a 10 foot rock wall around the whole perimeter of the property. So, if something were to run into that wall it wouldn't break thru the fence where their children are playing, or cause damage to their private property. She was also thinking about the process that they went through for the apartment buildings across the way. They did the same thing, knowing that those homes were high value. They put in a nice screener, which was a brick wall. They also left an area between the properties. They want to make sure Mr. Knudsen does this development with all of their needs being thought of. So far, the landscaping is not in. She was hoping there would be a condition added to the CUP that there would need to be Trees and other landscaping. It was brought up several times at the last meeting. It was supposed to be 100% of the perimeter and 15 to 20% towards the neighborhood to help shield it. They don't have that right now. She is the second house over, and when lights are coming down the first isle they shine right into her front yard. She was looking forward to having a visual buffer between the storage units and the neighborhood, because that's what was spoken of so highly by the Planning Commission last time. Then, when it was pulled apart, they didn't put them in because of the sewage line along the fence, but that didn't affect the cul-de-sac area. They are still being told that the rocks are enough. There are rocks all behind the storage units along Tamarack Road. She was worried because the weeds hadn't been pulled since they went in. If there was some vegetation in it would take away from the weeds growing in and taking over. She wanted to see the Planning Commission, as well as the City, require a distance between their fence and the screener that goes up. She would like it to be a solid surface that would protect her backyard. A 6 foot fence isn't going to cover and hide the recreational vehicles that will be back there. By the sounds of it, they shouldn't be able to see the recreational vehicles. They are 10 to 14 feet high, what is a 6 foot high slat fence going to do for them. Those were some things she wanted the Planning Commission to consider, because as a resident she will be sitting in her backyard. She also thought it was going to be paved and it had to be where the fire truck could get back there, and so they wouldn't have the dust after everything was developed. That is the only fire access if there is a fire behind them. Ms. Vera had some concerns regarding Fire Department access with the highly flammable RVs parked behind her home. She wanted to make sure that these things were taken care of in the CUP. A 6 foot slat fence is not going to do any good, because they will see everything from their backyard. Every RV that Ms. Vera looked at was 10 to 14 feet tall. Ms. Laughlin said that the neighbors should not see them from outside. She said she would see 7 to 8 feet of that. As you are planning this please think of a buffer between the property owner's fences and a screener. She didn't want a buffer of 2 foot rocks. She wanted the Commission to think, if an RV backed into their fence and hits one of their children. Is road base enough? She wanted to make sure in the CUP that the screen wall was in place and it should be at the lowest end 10 feet high, and a solid structure. She suggested putting in an alley for secondary access. As you make these decisions make sure to put them in the CUP so that they are held accountable.

Chairman Dalling said Don and Holly Zumwalt of 1554 Tamarack Road have a letter to the Commission in favor of the new development, as do Chad and Kim Anderson of 1529 Tamarack Road, and Alice Chacon of 1578 Tamarack Road.

Commissioner Stefan Beck asked if those houses were all in a row.

Ms. Laughlin pointed the addresses out on the map.

Juan Vera, 1542 Tamarack Road, wanted to address the issues of inadequate dust suppression. He had witnessed large amounts of dust emanate from the storage unit area when they began construction and from the parcels behind his home. Mario Estrada, who resides at 1515 Tamarack Road directly west of the storage units, residences was inundated with dust during the construction process. He and neighbors have called the City office to have the dust controlled. On one instance their response was it was coming from Tamarack Road. They were in disbelief. He witnessed firsthand an employee operating a front end loader get out of the loader, not properly parking or securing the loader, get out of the cab to clean off the dust that had accumulated on the front windshield. The wipers were insufficient to clear off the dust. In the process the loader free wheeled approximately 10 feet. He saw the panic in the operators face as he quickly got back inside the cab of the loader. This took place approximately 10 to 15 feet behind his property. The water truck should not be parked in front of the construction site for show. During the construction process the backhoe would transfer materials, soil, etc. to the parcels behind his home. All of the dust gets stirred up and comes right into the neighbor's homes. In the process no water was placed on the route driven by the backhoe. Once again the dust traveled in their direction. He requested that any suggestions for the CUP from the Planning Commission be specified in the CUP.

Brad Roberts, 1100 E. Idaho Street, said what he wanted to make a comment about was, since this item was on the agenda he was sure all the Commissioners went up there to look at the property to be sure of what they were talking about. They probably noticed that all the homes are half million, plus homes. If you stick an RV park back there, are you going to lower the assessed value of those, and lower their taxes? Or are you going to make this worthwhile, so it actually increases or maintains the value of the homes. Mr. Roberts stated that he had lived in Elko a long time, and had worked on a number projects, including something very similar to this. One of the big things the City made this other developer do was put in fire hydrants. He didn't see anything about fire hydrants. There is a water line that comes right down Tamarack that could go down Cattle Drive, loop back, and tie back in. He thought the Fire Department liked to make loops for the fire lines. Cattle Drive would provide a second access to that property. He thought it was a laid out street that had never been developed.

Ms. Laughlin explained that the City only had Right-of-Way for the eastern half of Cattle Drive, and not for the westerly half of Cattle Drive.

Mr. Roberts asked if it was County.

Ms. Laughlin explained that it was in the County and it was private property owners. The City is in the process of acquiring that.

Mr. Wilkinson pointed out that it was a planned future roadway.

Mr. Roberts said fire suppression was a big concern of his. There are a lot of parking spaces, and everyone one of the vehicles using them will have gasoline in them.

Mr. Wilkinson explained that the developer will be required to extended water looping and hydrants throughout that entire area under the Fire Code

Mr. Roberts reiterated that if this project was not done properly, it would be devaluing a whole neighborhood.

Don Zumwalt, 1554 Tamarack Road, stated that he didn't have the issues that the Sirotek's and Vera's have, because they are dealing with construction now. His house is the third one in. He said that he was for the CUP. He wanted Mr. Knudsen to finish this property, he wanted him to develop it, and he wanted it to be done. They will live through construction, noise, and dust. They knew full well when they bought that piece of property that they would have neighbors on both sides, and a commercial property behind them. He was thankful that it is not an ambulance barn or a 24 Hour Joe's Liquor. He thought that this was the quietists use. He didn't have the lighting issues that the Sirotek's do. He stated that he was the only one of his neighbors that have a chain link fence. They wanted to be able to see through. They did that knowing that if something was behind them that they didn't like, they could change the fence. They would also plant more trees across the back of the property. He put a gate in his chain link fence, and has abused Mr. Knudsen's property. If that stops he will have to go out the front, and take his gate out. He knew that it would be developed. He agreed with Ms. Vera and didn't want fire in his back yard. Whatever the Planning Commission decide to do, with Mr. Knudsen in agreement, he was good with. If he didn't like seeing over the 6 foot fence, he said he would plant trees that grow higher than 6 feet. He was to the point where it would benefit him to have this project done and clean. He wasn't worried about his property value, because he didn't think this would adversely affect it.

Mike Sallee, 1590 Tamarack Road, which is the last house on Tamarack Road, said he thought he was the least affected by this project. When he built on his property they heard Lowe's was coming and that was the perfect spot for Lowe's. They didn't want that, they wanted low impact. He said they would love it if it was all mini storage, as far as low impact. During construction it has to be terrible, but the project will be great once it's complete. He stated that he was in favor of this project.

Leslie Vera, 1542 Tamarack Road, said that she forgot one thing. In the CUP they were hoping that if they do screener of 10 feet or higher, that it is the first things that they do, so that it would protect them from the construction. The last one was 3 ½ years out and it is still going. That would give them protection, so they aren't looking at that for 10 years.

Chairman Dalling stated that he had a few questions. He stated that this was on the agenda for his first Planning Commission Meeting. Lighting was a heavily discussed topic, which we will circle back to. His other thought was that the Fire trucks and Fire Code that is up to the Fire Department and the Fire Code, which will be taken care of, because it has to by Code. He stated that the wrought iron fencing along Mountain City Highway was a big deal on the original project. Mr. Knudsen was going to have the fencing be the back side of the storage units, which was a big debate about trying to make Mountain City Highway look better.

Andrew Knudsen explained that the original plans had no fence.

Chairman Dalling said he remembered that being a big topic during the original hearing. The dust control is enforced by the City.

Ms. Laughlin said it was, and with any construction project there is going to be dust and outdoor construction storage.

Mr. Wilkinson clarified that the City does not have any authority to enforce air regulations. That is all on the State. Depending on the disturbed acreage, they may, or may not, be required to get a surface area disturbance permit from the State. The City's involvement is strictly limited to taking complaints, making the developer aware of those complaints, and encouraging them to control dust. The City has no enforcement authority on any air regulations, including dust suppression.

Mr. Dalling said dust control in this town is tough. Hopefully, with that Mr. Knudsen would use his water trucks.

Mr. Knudsen said during this project he thought they had only received one complaint on dust.

Ms. Laughlin explained that it was to the previous Development Director.

Mr. Knudsen said that they had addressed the complaint. They take every complaint as serious as they can. To this point they have only heard of one complaint.

Chairman Dalling asked if it had been 3 ½ years since the project started.

Ms. Laughlin pointed out that the previous CUP was issued in October of 2015.

Mr. Dalling asked if there was an estimate on the finishing date for the current project and the new project.

M. Knudsen said they wanted it done now. They are trying their hardest. Last spring was really wet, so that stalled them. They thought they would have their office done by fall. They were stalled on the DOT frontage for landscaping. They just got approved two weeks ago. They had been working on that for a year and a half. They believed and hoped that everything would be done.

Mr. Wilkinson clarified that the landscaping proposed on the NDOT frontage was above and beyond the requirements. It is off of the property. It is an additional enhancement, just as the wrought iron fence.

Mr. Knudsen said that wasn't in the Conditional Use Permit. As much as everyone else wants it to look good, they want it to too. This job is taking longer than they expected it to, but they are working towards it.

Chairman Dalling asked if Mr. Knudsen had a guess on the finish of the new project.

Mr. Knudsen said they would love to have the whole thing done by the end of this year, but after last year they are going to do their best.

Chairman Dalling wanted to ask about the lighting. It was a big deal on the last CUP, on the shielded lighting.

Mr. Knudsen said that was all approved by City Staff. He couldn't get a C/O on those buildings unless that lighting was up. That lighting went up, they received a concern, and then he went up there at 8 o'clock at night and taped them up. The reason he hasn't done anything, except for what is there, was they feel that some lighting is better than none. It's up there at the end of the building, the farthest away from the frontage. They don't want any activity in there that shouldn't be taking place. The electrical will come from the building that is not up, so he hasn't gone up there and dismantled the lights because he wants a little light up there. This was the first time he had heard a concern about what he had done two years ago on the lights.

Ms. Laughlin explained that when staff received the building permits for the project, there was a photometric plan submitted from their electrical engineer, and it met the Code. Staff looks at it as the 80% of the area for the .25 foot candle, so it met Code. They have talked about the light fixture. She was going to pull file from two years ago and review the plan again. Staff felt that it met Code.

Mr. Wilkinson said when they did the Rabbit Brush Apartments across the street there was a condition for cut off lighting. That property has an 8 foot wall that was determined appropriate, 3 story, so their light fixtures are pretty high up on the building. There was some concerns expressed by the neighbors, and in the end they had to change out the type of fixture, so that it was more downcast up against the building, and so it didn't have a footprint that encroached as far out. In other areas of that complex they needed the light for safety into the parking areas, so those fixtures weren't changes. Sometimes you have to work with that a little bit.

Commissioner Tera Hooiman asked if Mr. Knudsen had taken into consideration putting up some sort of a buffer.

Mr. Knudsen said he hadn't, because tonight was the first time he had heard of that concern. They talked about that with staff, and they talked about how that is a mobile vehicle lighting, not fixed lighting, so it is no different than someone pulling into the cul-de-sac, or coming up Royal Crest and making a right hand turn.

Chairman Dalling said since Mr. Knudsen didn't have any landscaping between his property and the adjacent property, where the sewer line is located, he suggested putting some landscaping on the bulb of the cul-de-sac. He thought they talked about making that really fancy with pretty landscaping. Maybe if there were some trees there it would alleviate the lights shining right into the houses. He thought if they focused on the one spot it would really make the neighbors happy.

Ms. Laughlin pointed out that the property line on the GIS map was inaccurate. She mentioned that most of the area was City of Elko right-of-way, but that doesn't mean that they couldn't landscape it, they would just be required to get a Revocable Permit.

Chairman Dalling thought that would be a good olive branch. Maybe that would help alleviate the light pollution.

Ms. Laughlin pointed out that there was some grade variation.

Mr. Knudsen said that was a drainage.

Commissioner Hooiman said something high was not needed there.

Mr. Wilkinson said if you look at the alignment of that drive isle in relation to the homes. It is shining predominately to the garage and the driveways. There is a building that blocks about $\frac{3}{4}$ of the home. The Sirotek's have a 6 foot fence. He wasn't saying that Mr. Knudsen couldn't fit a tree or two in that area. If you look at the drive isle and you look at the garage. There is a garage door and a window for the garage, and all the bedrooms are back behind the other building, so the light is not directed right into those windows, it is out to the front end of the house. He might be able to fit in a tree or two on his property. Mr. Wilkinson asked if there was a water source there. (No) He would have to cut all the asphalt and bring water in from the frontage.

Commissioner Beck said it looked like David and Leslie had the major concerns, because they are right adjacent to the property. The third house out is Don and he is able to live with the situation, understanding he is not adjacent. He also wants it done. Mike kind of wants this to get done. Commissioner Beck was having a hard time getting an exact understanding of what the overall mood was. Is Mr. Knudsen at odds with the first two houses? It sounded like there was a lack of communication. Commissioner Beck asked if they had tried to work this out. It sounded like this was easily fixable, with a fence and maybe take care of the lighting issue.

Mr. Knudsen said he didn't want to say they were passed that, because he didn't think so. Unfortunately, he was trying to satisfy the CUP, the Code, and do a construction. It seems that when he first sold the lots to these folks, every one of them knew exactly what was going on there, and nobody had any problems until the job started. Once it started, he went to all of them and told them if they had any concerns to call him. He has to do what he's been told to do. He's tried to work with everyone, but at the same time he has job to get done. There have been many things that have stopped them that have been unreasonable for them as a contractor and owner of the property. All the neighbors know that they can call Mr. Knudsen at any time with any concerns. He wants to know the concerns and take care of them, they want to know if there is activity in there that shouldn't be in there. He understands that they live there, and they take that into consideration on every move they make. They are doing everything they can. It doesn't matter what he does, or how he does it, it doesn't satisfy the neighbors.

Commissioner Beck said Mr. Knudsen had put a lot of time and money into this project, and he has the right to continue his economic goals and achievements. If he has gotten this far and he is doing a lot to get this project to go, it seems that he would have the right to continue. Maybe these complaints should have been made long ago.

Ms. Vera said they were not against the project, they just want to make sure that what is put in CUP is held to. They want to make sure that if there is a screener, that it makes it to where they can't see the stuff within it, like the City Code says. They are coming in more educated this time

around and they want to make sure that things are listed in the CUP so that the developers have to follow through with them.

Ms. Laughlin read the definition of a screen wall from the City Code: A masonry wall or opaque fence so constructed as to prevent the view of enclosed activities or uses from without.

Mr. Wilkinson wanted to put the public comments that they've had tonight in context. There was better than one hundred notices sent out. There are a few individuals that are in close proximity to the project that have provided written or actual testimony. Of those people that are in close proximity it appears that more are in favor of the project, than those that have concerns. Some valid concerns have been raised. He reminded the Planning Commission, the first go around there was the same testimony that there was a huge fire hazard with the mini storage. That was a whole line of testimony to discourage the development of the mini storage units. The requirements of the Fire Code address the fire hazard. There has been talk that we need this buffer access on the back of the properties. Mr. Wilkinson thought that was more geared towards ensuring people can utilize it to access their back yards. We don't do alleys anymore. We don't have that type of access on other projects like this one. That seems to be almost taking somebody's property and not allowing it to be fully utilized. Mr. Wilkinson didn't think the fire issue was a real concern. If they need to protect the homes they're going to go up Royal Crest and go to Tamarack and pull a hose, just like if the house is on fire. The Fire Code for hydrants, spacing, and number of hydrants will be addressed. The water system will be extended through the property to address that. He reminded the Planning Commission that the minimum consideration for the Planning Commission under a commercial use abutting a residential district is for a screen wall, whether it is required or not. It doesn't require that you put one in, but it requires a consideration of whether one is required, and if so what type and how high. On Elite Storage, that was approved abutting two residential properties. It was an 8 foot wall. There is a gap between one of the uses and Elite Storage, which is because there are utility easements in there. It wasn't a requirement to provide spacing between the uses. On the Rabbit Brush Apartments, which is a much more intense use with 3 story buildings and some topography difference, they were required an 8 foot wall. To Mr. Wilkinson requirements of 10, 12, and 15 foot walls was an overkill, and almost an approach to make it so financially costly that the project couldn't be done. There would probably be a lot of people that actually disagree with an 8 foot wall to screen the exact same use, because they would rather have 6 foot. So it is different for different people. He thought there were a lot of valid concerns. Mr. Sirotek's letter actually has verify specific recommended conditions for the Planning Commission's consideration. As you go through each and every one of those and determine whether or not they would be required to separate the uses.

Ms. Laughlin said there was a comment made that they would like the Planning Commission to consider having the screen wall built first. You may want to talk to Mr. Knudsen in regards to how this property will develop. Normally it would be grading, bring in the utilities, compaction, and then run the fencing. You may want to ask if that is even logical in the way he would construct the project out.

Commissioner Beck said it looked like the lights and the fence were within Code, but then an olive branch would be to keep Dave and Leslie happy. He asked if there was a way they could get some sort of fence started.

Mr. Sirotek said during the first meeting they offered to buy trees or shrubs for the project. One other concern he had was with the weeds between their house and the first row of storage units. He said Mr. Knudsen needed to clean that up because it is a fire hazard. When he brings up the fence on the back side of their house and butts it right up to their fence how is he going to pull those weeds.

Chairman Dalling reiterated that 3-2-10(B)(4) allows for commercial use for storage units.

Mr. Wilkinson added as a principle use, but since it abuts a residential zone a CUP is required.

Chairman Dalling referred to 3-3-2(J), which was what type of fencing or screen, and if they want 6 foot or 8 foot.

Mr. Knudsen explained that he had gone to other of the residents and asked them what they would want there. They haven't requested anything. That is the reason you see a 6 foot chain-link fence with slats. They don't want to intrude. If it was his backyard he wouldn't want to see his vinyl fence and then something two feet above it that is that close to his fence. The reason they put the chain link fence with slats was because it was what they thought was best at the time. They were still going to do the wrought iron down the highway in the front.

Mr. Wilkinson said they should deal with what is going to be required on the property lines. On the north side does the Planning Commission believe that the continuation of the wrought iron fencing is appropriate?

Chairman Dalling and Commissioner Hooiman said yes.

Mr. Wilkinson went on to the west side, where they would see some addition commercial development at some point in time. He asked what the Planning Commission believed was appropriate, long term on the west property line.

Chairman Dalling asked if Mr. Knudsen was going to put the same fencing on that lot line.

Mr. Knudsen said he had planned on the chain-link fence with the slats.

Mr. Wilkinson explained that the Planning Commission must consider what's appropriate on this property line. He thought the Planning Commission should take the time and deliberate what is appropriate on this property line and then move to the south property line. What is proposed is a 6 foot tall chain link slatted fence.

Commissioner Hooiman thought a slatted chain-link fence along that section would be fine. But, what the neighbors are asking for along their property line is something a little bit taller.

Chairman Dalling said they wouldn't go any more than 8 feet. He thought it would be way too much to ask to put a 14 foot wall there.

Commissioner Hooiman thought 8 feet was a compromise between a gigantic wall and the 6 foot slatted chain-link fence.

Chairman Dalling asked what kind of wall Commissioner Hooiman was proposing.

Commissioner Hooiman said the chain-link with slats.

Commissioner Dalling asked if Mr. Knudsen would be ok with an 8 foot chain-link slatted fence along the back side of the property.

Mr. Knudsen said he was.

Commissioner Evi Buell said she didn't know what the line of site was there with 6 foot high existing back fence, 2 feet of slatted chain-link, and then whatever is visible over that. She agreed with the onerous part, but she wasn't sure about the layering.

Commissioner Hooiman said that was what the neighbors were wanting. She was trying to find a compromise between what is being asked for and what is financially possible.

Mr. Knudsen agreed. He explained that the reason he went with a 6 foot was because he thought there were some neighbors that didn't want to see two feet of fence over theirs. He was trying to help however he could.

Mr. Wilkinson explained that the 8 foot wall was approved for Elite Storage and Mr. Wilkinson has complaints from three of the neighbors, after the fact that they don't want to see that higher fence. Here, 8 foot seems reasonable, if the Planning Commission determines that is a requirement for a CUP.

Commissioner Hooiman said that's what the neighbors were asking for.

Commissioner Buell said she didn't have an issue with that.

Mr. Knudsen pointed out that one neighbor didn't want it, and another one was indecisive.

Ms. Vera explained that her concern was with the RVs backing up to her fence. That becomes dangerous, which is why they were seeing if there was anything else. With a chain-link fence there is no protection.

Mr. Wilkinson agreed that a chain-link fence doesn't stop a vehicle if it is moving at a high rate of speed, but this will be someone backing up at a few miles per hour. If there is damage it is an insurance claim.

Mr. Roberts suggested a 3 foot concrete wall with a 6 foot chain-link fence on top. The concrete will stop the RVs.

Chairman Dalling said that was good idea, but he didn't know how cost effective it would be.

Commissioner Ian Montgomery said from what he gathered from the Commission, they were all in confirmation of having a 6 foot chain-link fence with the slats on the west side. It also seemed like they were all in confirmation with the south side having a chain-link fence with the slats, it would just depend on whether it was 6 or 8 feet tall.

Mr. Wilkinson thought a 2 foot barrier with a 6 foot chain-link fence on top of it was a great idea. If that is an issue Mr. Knudsen can't live with, he can appeal that to the City Council. If the fence is on top of the barrier it still wouldn't prevent damage, but it would stop a vehicle.

Chairman Dalling said this was a parking lot, so he didn't think there was enough room for people to be going at a high rate of speed. He thought if they did put in a 2 foot concrete barrier with the fencing above it would stop whatever was coming.

Mr. Wilkinson said if there was a two foot curb, then there won't be the weeds at the bottom of the fence. Any weeds on the other side of that post curb will be the neighbor's weeds, not Mr. Knudsen's weeds. That might be something that would resolve a couple different concerns.

Chairman Dalling asked if Mr. Knudsen would be ok with what they were discussing.

Mr. Knudsen said he talked it over with his engineer and he suggested cutting the property three feet down and then put a fence on the upside. The grade on the ground is sloped that way anyways and he will have to do some grade work. His engineer said it would be very easy to cut that three feet, to drop everything. That would be even better than the two foot stem wall, because now the RVs are going to be sitting lower.

Mr. Wilkinson said that could be a condition that you require that grading to two or three feet, whatever they agree to.

Chairman Dalling asked how the Planning Commission felt about that. He said that this whole project was going to have to meet Fire Code, so that really wasn't up to the Planning Commission. He thought the new landscaping on Mountain City Highway would be benefit to the whole City, as well as the residents. He wanted to see a landscape review by City Staff. He thought they could put that in as a condition of the CUP. He wanted to do that early on to make sure that the rest of it is landscaped. He really wanted to see something on the cul-de-sac.

Ms. Laughlin asked Mr. Dalling if staff was to review the landscaping according to code, or what they were reviewing it for.

Chairman Dalling said up to Code, and then he thought the Commission could put some specifics in there. He asked if the Commissioners wanted to see anything special on the landscaping.

Commissioner Buell said she wanted to see the lighting issues handled.

Chairman Dalling said they could put that in the CUP.

Mr. Wilkinson pointed out that there was a condition that the lighting be cut-off and shielded.

Chairman Dalling asked Mr. Wilkinson to explain what cut-off and shielded meant.

Mr. Wilkinson explained that instead of the light broadcasting up, or horizontally, there is some shielding, which makes the lighting be downcast. The issue is, for safety, even with the shielding they have to meet the 80% requirement in the Code. We have to meet the Code, and we have to

go above and beyond Code, as appropriate. We have to meet the 80%. There is a suggested condition that the 80% requirement is met towards the State Route, so that it can be darker on the other side. We have a use that we don't believe that would present a safety hazard. That is the best we can do. Mr. Sirotek suggested that the lighting be no more than 3 ½ feet off the ground, which would not be appropriate. The shielded lighting is a typical lighting standard for commercial and industrial developments.

Chairman Dalling had a suggestion. He said that Coldwell Banker had good lighting. They have goose necks that come out and the lights face towards the building. That would be just a fixture change that might address some of the light pollution.

Ms. Laughlin pointed out that once the temporary lights get moved it shouldn't be a problem. The fixtures that Mr. Knudsen has installed are shielded, downward lights. That is what staff approved. She said she needed to do a site drive by to see that that's what was installed, but what staff approved was shielded downward lights.

Mr. Wilkinson said what was on Coldwell Banker was great, but you have to keep in mind that the street is lit. Here we are trying to use a fixture to light the front of the building and the drive isles, so that it is well lit and we don't have safety issues. We don't want the light to be broadcasted past the area of need.

Commissioner Montgomery said once the final building is in, it should fix the lighting issue.

Ms. Laughlin said it would fix that.

Mr. Wilkinson believed Mr. Sirotek's condition that the U-Haul activities are restricted to the highway side was a good condition. He thought they had talked about the screen wall, the landscaping, and lighting. Requirement of a cut on that property of 2 feet. They are not allowed to encroach onto the neighboring properties. They are grading the property down and they will have a chain-link fence set at the crest. The question is how high the fence is going to be. Is it going to be 8 feet high, so then there will be a depth of 10 feet, or a 6 foot fence on the property line. He thought they could cut the property 2 feet and then there could be either a 6 foot or an 8 foot slatted fence, whatever the Planning Commission decided.

There was discussion on the changes to the conditions listed in the staff report, which Ms. Laughlin went over earlier in the meeting.

Mr. Wilkinson thought they needed to be specific that the U-Haul activity would be limited to the half of the property that fronts Mountain City Highway. On that half of the property that is where the U-Haul activity can take place, the other half there will be no U-Haul activity. That should give Mr. Knudsen plenty of room, but reduce the level of activity on the residential side.

Ms. Laughlin thought the Commission should allow Mr. Knudsen some flexibility in the striping plan that he has presented, because the layout for the lighting and the fire hydrants has not been completed yet. We don't want to restrict him to just the striping plan that has been presented.

Mr. Wilkinson explained that the parking would be driven by where staff approved the lighting. That would be self-governing.

Commissioner Buell said the only thing she didn't have that they had come to a consensus on was the height of the chain-link fence on the south property line.

Mr. Ballew drew a picture of what he was proposing. It was a two foot cut three feet from the neighbors existing fence without a fence on top and landscaping on the crest instead.

Mr. Wilkinson said that the Planning Commission should not rely on the residential fencing in consideration of the screen wall. They should look at it independently, as if they didn't even have fencing. If that fence was removed would we still required a screen fence between those uses. That is how the Commission should consider the south property line. Mr. Wilkinson thought screen fencing would be required on the south property line.

Commissioner Hooiman said they have to have a screen wall of some sort.

Mr. Wilkinson said they needed to consider the merits of it. He recommended that they didn't put the condition on the residential. If you try to plant trees close to the neighbor's fences there will be complaints about that in the future, so that won't work. If you cut it down and there was a little bit of a ledge, where you could construct a fence. A post will take a 12" post hole to put in a chain-link fence that is slatted. The question was whether it should be 6 foot tall or 8 foot tall. If it is an 8 foot tall fence along the south property line and you cut the property down two feet, there will be 10 feet to work with. Mr. Wilkinson thought that would be a pretty good outcome.

Chairman Dalling thought they should put in a 6 foot fence on top of the cut within a foot of the existing fencing.

Commissioner Buell asked if Mr. Dalling wanted them to designate where the fence had to be.

Mr. Wilkinson said they should designate that as close as is practical.

Ms. Laughlin thought they should also designate what color of slats are to go in the fence.

*****Motion: Conditionally approve Conditional Use Permit No. 1-19 subject to the conditions in the City of Elko Staff Report dated January 18, 2019, removing Fire Department Condition 2, adding a condition, and a modification to Condition 1, listed as follows:**

1. The permit is granted to the applicant Sundance Mini Storage, LP allowing for the development of commercial storage units, recreation vehicle storage, vehicular storage, and U-Haul rentals and storage. Prohibition of storage of construction equipment and material after completion of the project.
2. The permit shall be personal to the permittee 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. CUP 1-19 to be recorded with the Elko County Recorder within 90 days after the commencement of the expansion to the current facility.
5. A landscaping plan is required. All landscaping required by Elko City Code shall be maintained in a manner acceptable to the City of Elko at all times by the property owner.
6. The development of curb, gutter and sidewalk along Mountain City Highway is hindered by a pet cemetery located in NDOT right of way. 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 provided by NDOT.
7. Lighting of the property shall be cut-off shielded lighting and directed away from the residential properties. Site lighting complying with 3-2-17 shall be presented to meet the code furthest away from the residential properties.
8. Access to the property shall be limited to Sundance Drive as shown on the plans.
9. A screen-wall shall be on the North side a continuation of the current wrought iron fence, the west side 6 foot slatted chain link fence to be a neutral color, and the south side two foot cut grading and a 6 foot slatted chain link fence at the crest, also the neutral color, placed as close as is practical to the existing residential fences.
10. BLA 1-19 be approved and recorded at the Elko County Recorder's office.
11. Expanded area to have an all-weather surface such as base with a minimum of 6" deep in all areas outside of designated fire department access areas.

Fire Department Conditions:

1. IFC D102.1 Access and Loading: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
2. IFC Appendix C - Fire Hydrants need to be shown on plan review and needed for new area proposed.

Planning Commission Conditions:

1. The U-Haul facility must be on the half of the property that is nearest to Mountain City Highway.

Commissioner Buell's findings to support the motion was the conditional use is in conformance with the Land Use Component of the Master Plan. The conditional use is in conformance with the Transportation Component of the Master Plan and existing transportation infrastructure. The conditional use is in conformance with the Wellhead Protection Plan. Approval of the Conditional Use Permit is required for the proposed use to be in conformance to section 3-2-10 of the Elko City Code. Approval of the Conditional Use Permit is required for the proposed use to be in conformance with Section 3-2-3, 3-2-4, 3-2-17, and 3-2-18 of the Elko City Code. The proposed use conforms to Section 3-8 of Elko City Code.

Moved by Evi Buell, Seconded by Ian Montgomery.

**Motion passed unanimously. (6-0)*

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible recommendation to City Council for Vacation No. 1-19, filed by MP Elko, LLC., for the vacation of a portion of the public utility and drainage easement located along the north and east property lines of APN 001-660-049, consisting of an area approximately 1,300 square feet, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southwest side of Mountain City Highway, approximately 370' northeast of Connolly Drive. (APN 001-660-049. 2525 Mountain City Highway)

Ms. Laughlin went over the City of Elko Staff report dated January 17, 2019. Staff recommended approval with the conditions and findings in the staff report.

Mr. Holmes had no concerns and recommended approval.

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-19 subject to the conditions listed in the City of Elko Staff Report dated January 17, 2019, listed as follows:**

1. The applicant is responsible for all costs associated with the recordation of the vacation.
2. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.

Commissioner Buell's findings to support the motion was the proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation is in conformance with the City of Elko Master Plan Land Use Component. The proposed

vacation is in conformance with the City of Elko Master Plan Transportation Component. The easement proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with City Code 3-2-10(B). The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City Code. The proposed vacation will not materially injure the public and is in the best interest of the City.

Moved by Evi Buell, Seconded by Tera Hooiman.

**Motion passed unanimously. (6-0)*

2. Review, consideration and possible action on Temporary Use Permit No. 1-19, filed by Sundance Mini Storage, LP, to allow for a storage unit to be used as the renting office for the storage units, recreational vehicle storage, and U-Haul rentals, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally southwest of the intersection of Mountain City Highway and Sundance Drive. (3701 Sundance Drive)

Mr. Knudsen, 5013 W Bullion Road, explained that they were requesting a TUP for their office for temporary use. He thought they had met all the standards there. They are in the process of building their permanent office. The cold was coming, so they decided to pull off of the office and get the concrete in for their last storage unit building. The office will be brick. Unfortunately, when the cold set in he didn't have the ability, the time, or the money to tent the office to get it done before spring. They are waiting until spring. They are back on it now, and they are going to do what they can. He didn't expect the office to be finished until later. He talked about it with the City and they agreed to a 6 month TUP instead of a year. They would love to have the office done in 6 months.

Chairman Dalling asked if Mr. Knudsen currently had a TUP.

Mr. Knudsen explained that the TUP they had expired. That one slipped through on the expiration because the City noticed that they had started construction, then they stopped. That's when he was notified that he needed to come and get another TUP.

Ms. Laughlin went through City of Elko Staff Report dated January 16, 2019. Staff recommended approval with the conditions and findings in the staff report.

Mr. Holmes had no comments.

Mr. Wilkinson recommended approval as presented by staff.

Chairman Dalling said that they had discussed on the last TUP that there was supposed to be an ADA blue room that was supposed to be placed close to the office.

Mr. Knudsen said what is interesting about it is that they had called the company many times to bring them one, and for some reason they won't bring them one. He had also been told that it

wasn't mandatory for him to have a restroom for the public. The only thing he was told to have was a restroom for the workers. They have no employees, so that bathroom was to accommodate what is there. That's why he didn't pursue the ADA Blue Room, because he had had mixed communication on that.

Chairman Dalling said he would have to defer to City Staff on that, because he wasn't positive on it.

Ms. Laughlin explained that the Building Department put in their condition. It states the IBC Code, which is the International Building Code. There could be a Health Department provision that we are not aware of that doesn't require a public restroom. She explained that she would have to refer that to the public health department.

Mr. Wilkinson said they could qualify that condition where the City Planning Department will verify with the Building Department if the unit is required or not. If it is required Mr. Knudsen will have to personally go down and talk to the port-a-potty company.

Chairman Dalling thought that was fair.

Commissioner Buell asked for clarification on the wording for that condition.

Chairman Dalling suggested that if it was required, Mr. Knudsen would have to put an additional ADA port-a-potty by the office.

Mr. Wilkinson suggested they say located in close proximity to the temporary office.

*****Motion: Conditionally approve Temporary Use Permit No. 1-19 subject to the following conditions found in the City of Elko Staff Report dated January 16, 2019, with an additional condition, listed as follows:**

Planning Department:

1. The duration of the temporary use is no longer than 6 months.
2. Completion and certificate of occupancy for the office currently under construction required prior to the expiration of the TUP 1-19.

Building Department:

1. B Occupancies require the following:
Accessible restroom as per 2009 IBC 2902.1 / chapter 6 ICC A117.1-2009

Planning Commission:

1. The Planning Department is to verify with the Building Department the status of the requirements of an ADA restroom, and if one is required it shall be placed within close proximity of the temporary office.

Commissioner Buell's findings to support the motion was the proposed TUP is in conformance with the Land Use Component of the Master Plan. The proposed TUP is in conformance with the Transportation Component of the Master Plan. The proposed TUP is in conformance with Elko City Code 3-2-3(C)(5). The proposed TUP is in conformance with Elko City Code 3-2-17. The parcel is not located in a designated flood zone.

Moved by Evi Buell, Seconded by Tera Hooiman.

****Motion passed unanimously. (6-0)***

3. Review and consideration of the 2019 City of Elko land inventory update. FOR POSSIBLE ACTION

Ms. Laughlin explained that the City updates the land inventory as needed. There are a couple of parcels that have been brought to our attention that we felt that it was time to make an update. She wanted to go over the highlights of what was being proposed. She explained that there was a City of Elko owned parcel that was at the end of Rocky Road, it was designated as Parks and we would like to change the designation to sell. There is a potential buyer for that parcel. All of the areas that are hatched, we are proposing to add them to our land inventory list as parcels for the City to purchase. They are all owned by the BLM. There are a few more BLM parcels that we would like to designate as to purchase. Property no. 12 was previously listed as retain, we would like to change that to for sale. On the south side of the City there are a few more BLM parcels. There is one off of Errecart that we would like to list as to purchase as well. Those are the updates that we would like to make to the Land Inventory. There was one more property at the north part of the Airport that is in private hands that we would like to purchase for the Airport, as it was listed in the Airport Master plan.

*****Motion: Forward a recommendation to City Council to update the City of Elko Land Inventory as presented by staff.**

Moved by Evi Buell, Seconded by Tera Hooiman.

****Motion passed unanimously. (6-0)***

4. Review, consideration, and possible action on the 2018 Annual Report of Planning Commission activities. FOR POSSIBLE ACTION

Ms. Laughlin went through the 2018 Annual Report of Planning Commission Activities.

*****Motion: Approve the 2018 Annual Report of Planning Commission Activities as presented, and forward a recommendation to City Council to approve the report.**

Moved by Evi Buell, Seconded by Tera Hooiman.

****Motion passed unanimously. (6-0)***

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported at the City Council meeting on January 8th they accepted the letter of resignation from David Freistroffer and authorized staff to advertise for the vacancy. Under unfinished business, for a few months the Final Plat for Great Basin Estates Phase 3 has been on the agenda. NDEP has ordered a cease and desist on that project, and until that is lifted it will continue to be tabled. Under New Business there was the Deed of Dedication from Joy Global for the cul-de-sac area. That has been completed and is now dedicated to the City. There was also Map of Reversion to Acreage for Joy Global, which is combining four properties into one. The Council took no action on the Great Basin Estates Performance Agreement. Resolution 33-18 for the Vacation of P&H Drive. That was approved. Adoption of Resolution 32-18 for the vacation of D Street and Cedar Street was approved. The Preliminary Plat 13-18 for Koinonia for Copper Trails Phase 2 was approved. Council took action to adopt Resolution 31-18, which was the change in the zoning for that property to make it all R. They also adopted Ordinance 838 for the Development Agreement between the developer and the City of Elko. On January 22nd there was a presentation of an appreciation plaque to David Freistroffer. Phase 3 of Great Basin and the Performance Agreement were on the agenda again. They approved the 2019 Planning Commission Work Program. Council accepted the petition of vacation for MP Elko.

B. Summary of Redevelopment Agency Actions.

Chairman Dalling reported that they had a good meeting. They decided to do some awards. Bill Hance, newest Councilman, is the newest member of the RAC. They are going to be giving out some awards for reinvesting in the Redevelopment Area. The Block Ends is their next big project. He will be working with Catherine Wines on a redesign to make everyone happier. They already finished the park and the tower.

C. Professional articles, publications, etc.

1. Zoning Bulletin

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.

Ms. Laughlin reported that she has been trying to research some additional training, as requested. She has found a book that she was planning to order that she thought would be beneficial. We plan on adding a little something in each packet from this meeting forward that will be a little training. She has also located a couple webinars that she is looking into as well. She thanked the three Commissioners that attended the Ethics Training. It is important that we all attend that every year, because things change, laws change, and there are always new examples.

Chairman Dalling thought everyone did a great job deliberating. His only comment was to caution them. He thought they got a little out of hand on the public comment. He felt

that they asked some questions that were a little vague and asking the public to want to come up. He thought in the future they needed to refrain from those types of questions.

Commissioner Buell thought that was where the training would be beneficial. She thought they needed to be a little surer of themselves.

Chairman Dalling said if they could ever find a dollar for training it would be beneficial. He said the cheapest option would be to get someone to come to Elko. He asked if it would help to get a class if they could get Reno or Sparks in on it.

Ms. Laughlin said she had been looking into it.

Chairman Dalling said last time he talked to Curtis, he said he would make money for them to get training.

Ms. Laughlin said they were in the budget process right now.

Chairman Dalling said it would make it better for the applicants, the City, and City Staff.

Ms. Laughlin said she was going to order some books that she felt would be beneficial. Going back to the CUP, we have to separate ourselves between their civil issues and Code requirements.

Mr. Wilkinson complimented Mr. Dalling as the chair for running the meeting and complimented the Planning Commission.

G. Staff.

COMMENTS BY THE GENERAL PUBLIC

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.


Jeff Dalling, Chairman


Tera Hooiman, Secretary