

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
AUGUST 27, 2019
7:00 PM**

1. CALL TO ORDER

Chairman Smith called the meeting of the Elko New Market Planning Commission to order at 7:00 p.m.

Commission members present: Smith, Humphrey, Kruckman, Hanson, and Priebe

Members absent and excused: Ex-officio member Anderson

Staff Present: Community Development Specialist Christianson, Planner Sevening, and City Engineer Revering.

2. PLEDGE OF ALLEGIANCE

Chairman Smith led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

A motion was made by Smith and seconded by Kruckman to approve the agenda as submitted. Motion carried: (5-0).

4. PUBLIC COMMENT

Mayor Joe Julius, 10130 Ponds Circle, addressed the Commission regarding action taken by the City Council on the plat of Pete's Hill. He stated that he recognized that some members of the Commission were not in favor of allowing driveways onto Beard Avenue which had been requested as part of the plat application, and the City Council ultimately made the decision to allow one driveway. He indicated that it was a difficult decision but based on numerous factors and challenges related to the development, the Council ultimately approved one driveway. He thanked the Commission for their hard work in reviewing the plat.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A. It was moved by Humphrey and seconded by Hanson to approve the minutes of the July 30, 2019 meeting as submitted. Motion carried: (5-0).

7. PUBLIC HEARINGS

A. Request for Variance #V1-2019, Conditional Use Permit #C1-2019, Preliminary Plat Approval of Dakota Acres 2nd Addition

Sevening presented the request for variance, conditional use permit, and preliminary plat approval of Dakota Acres 2nd Addition, containing one lot, as proposed by Global Properties, LLC. She explained that the proposed development would include two apartment buildings totaling 68 units. The first phase would include construction of a 28-unit building and the second phase would include construction of a 40-unit building.

She described surrounding neighborhood conditions, and how the proposal meets the requirements of the City's Comprehensive Land Use Plan. She reviewed the current R4 zoning of the property noting that the zoning district allows apartment buildings containing more than eight units. Sevening reviewed the minimum lot criteria, including lot size and setback requirements. She noted that the development, as currently proposed, does not meet the minimum building setback requirement from private parking areas. The minimum requirement is 15' and there are areas within the site that do not meet the 15' minimum setback from a building to a private parking area, and therefore, a variance is being requested. Sevening reviewed the maximum building height of 35' in the R4 district and stated that the proposed building is 45' ½", and therefore a conditional use permit is being requested to allow the additional building height.

Sevening stated that standard 10' perimeter easements would be required as part of the final plat approval, and based on the current plan, a grading and utility easement would also be needed from the adjacent townhome association. She reviewed how sanitary sewer, water, and stormwater are proposed to be handled and she explained that these utilities within the site would be considered private utilities. She noted that the City is allowing an existing stormwater pond on the north side of James Parkway to be improved / expanded to accommodate the proposed development.

Sevening reviewed the City's landscaping requirements and stated the proposed development met the minimum requirements. She also stated that there are no wetlands or significant trees located on the property.

Sevening explained in detail the parking requirements for the site and for each phase. A total of 179 parking spaces must be provided, and 68 of those must be within an enclosed building. She explained that two accesses are being requested off of James Parkway which is a minor collector street. She explained that in order for the two accesses to be permitted, a conditional use permit is required. City Code requires that the lot be 250' in width to allow two accesses and the lot is only 231' in width. She also explained that the proposed private access road serving the proposed apartments is proposed to connect to Oriole Street within the Dakota Acres Townhome Association Property. Because Oriole Street is a private street, any connection would need to be approved by the Townhome Association and cross easements would be required. She also stated that City staff supports the connection for emergency response purposes, but noted that the City cannot require the connection.

Sevening reviewed sidewalks, trails and parks that serve the proposed development, and stated that the Parks Commission has recommended a cash contribution to the park fund as opposed to land dedication. She also explained additional open space requirements that apply in the R4 zoning district and that the developer must identify 10,319 square feet within the site that can be used for private open/recreational space.

Comments received from the Police and Fire Chiefs were reviewed, which support the connection from the development to Oriole Street for emergency access purposes, recommend adequate lighting of the parking lots and first floor garages, and recommendation for a heavy gravel base behind building #2 capable of supporting a fire truck.

Finally, Sevening reviewed the criteria for granting a variance and conditional use permit, and described how the requests met the minimum criteria for each.

It was then moved by Smith and seconded by Humphry to open the public hearing related to the request for variance, request for conditional use permit, and request for preliminary plat approval of Dakota Acres 2nd Addition at 7:28 p.m. Motion carried: 5-0

With no comments from the public, it was moved by Smith and seconded by Kruckman to close the public hearing at 7:29 p.m. Motion carried: 5-0.

Following a brief discussion by the Planning Commission, it was moved by Humphrey and seconded by Hanson to recommend approval of the request for Variance #V1-2019 for the following reasons:

- 1) The developer's request to have reduced front building setbacks is both reasonable and necessary in order to meet the City's parking requirements and provide a 10' drainage and utility easement on the easterly property line.
- 2) The developer's inability to meet the front building setback requirements is due largely to the gas line easement that exists on the property. The location of the gas line easement on the property was not caused by actions of the applicant.
- 3) The small reduction in front building setbacks will not result in a structure that is out of scale, out of place, or otherwise inconsistent with the surrounding area.
- 4) The Comprehensive Plan encourages the City to support efforts that facilitate affordable rental housing.
- 5) The purpose of the R-4 High Density Residential District is to create, preserve and enhance areas for multi-family use at higher densities for both permanent and transient families. The variance request is in harmony with the purpose and intent of the R-4 zoning district as it would support multi-family development.
- 6) The purpose of the variance is due largely because of the gas line easement that exists on the property. In order to meet other City requirements (i.e. parking and easements) the reduced front building setbacks are necessary.
- 7) Reducing the front building setbacks is the minimum action required to eliminate the practical difficulty and meet all other City requirements. Similarly, all front building setbacks have been maximized to the extent possible.

- 8) Apartments containing more than eight (8) attached units are a permitted use in the R-4 zoning district. The variance request to reduce front building setbacks does not impact/change the proposed use.

Motion carried: (5-0)

It was then moved by Smith and seconded by Kruckman to recommend approval of the request for Conditional Use Permit #C1-2019 related to the additional building height being requested for the apartment buildings with Dakota Acres 2nd Addition, for the following reasons:

- 1) The proposed action is consistent with the 2030 Comprehensive Plan and supports the “Residential Character” Housing goal, which calls for safe and aesthetically pleasing housing. Windows in the 1st floor parking garage would be aesthetically pleasing and contribute to the public safety of future residents.
- 2) The proposed land use is compatible with the surrounding land use, which is primarily residential mixed use. The proposed use is also compatible with future land uses, which are commercial and high-density residential.
- 3) The proposed increase in building height conforms with all applicable performance standards.
- 4) The increase in building height to accommodate a 1st floor parking garage has no impact on the intensity of use of the site and will not impact on the City’s service capacity. Existing public services (i.e. fire protection services) can accommodate the increase in height.
- 5) The increase in building height to accommodate a 1st floor parking garage has no impact on the intensity of use of the site and will not generate an increase in traffic or go beyond the capabilities of the streets serving the property.
- 6) Increasing the height of the building to accommodate a 1st floor parking garage has no impact on the number of units being proposed and will have no impact on the intensity of use on the site.
- 7) Public utilities and services serving the development are adequate. Fire protection services can accommodate the increase in height.
- 8) The submitted site plan has a front and side yard setback of 31.6’, which meets the 5% increase requirement.
- 9) Section 11-4-5 of the City Code related to essential services are proposed to be met.

Motion carried: (5-0)

It was then moved by Kruckman and seconded by Hanson to recommend approval of the request for Conditional Use Permit #C1-2019 related to the request for an additional access onto a minor collector street, for the following reasons:

- 1) The comprehensive plan notes that the emphasis of minor collectors is focused on access rather than mobility. An additional access off of James Parkway, a minor collector, is consistent with the comprehensive plan.
- 2) The additional access has no impact on the sites land use. The proposed development is compatible with present and future land uses, which are commercial and high-density residential.

- 3) The proposed access conforms with all applicable City performance standards.
- 4) The additional access and connecting drive aisle and parking lot will accommodate existing public services and will be privately owned so will not overburden the city's service capacity.
- 5) The additional access has no impact on the use of the site and thus will not generate an increase in traffic or go beyond the capabilities of the streets serving the property.

Motion carried: (5-0)

It was then moved by Humphrey and seconded by Priebe to recommend approval of the preliminary plat of Dakota Acres 2nd Addition for the following reasons:

- 1) The proposed use of the property for high density residential purposes meets the intent of the current and future guided land use for the area.
- 2) The proposed plat complies with the purposes of the Zoning and Subdivision Ordinances and the 2030 Comprehensive Plan.

And subject to the following conditions:

- 1) Preliminary plat approval is granted in accordance with the following plans and subject to conditions below, and Community Development staff comments dated 8/14/19 as depicted on the following:
 - a. Certificate of Survey, dated 8/14/19, prepared by Stantec Consulting
 - b. Preliminary Plat drawing, dated 7/31/19, prepared by Stantec Consulting
 - c. Final Plat drawing, dated 8/14/19, prepared by Stantec Consulting
 - d. Site and Landscaping Plan, dated 6/3/19, prepared by RHA Architect's Inc.
 - e. Lighting Plan, Dated 6/3/19, prepared by RHA Architect's Inc.
 - f. Building Elevations containing two sheets, dated 6/3/19, prepared by RHA Architect's Inc.
 - g. Paving, Grading, Utility and Stormwater Plan set containing seven sheets, dated 7/31/19, prepared by Larson Engineering
 - h. Stormwater Calculations containing 27 sheets, dated 6/31/19, prepared by Larson Engineering
 - i. Dakota Acres Apartments Project Manual containing 85 sheets, dated 7/31/19, prepared by Larson Engineering
- 2) Approval is subject to the recommendations and approvals of the City Engineer and Public Works Director.
- 3) Approval is subject to the recommendations of the City Attorney.
- 4) The developer must enter into a development contract with the City of Elko New Market at the time of final plat approval.
- 5) Perimeter drainage & utility easements must be dedicated on the final plat.
- 6) Infrastructure (sewer, water, stormwater) within the development shall be privately owned and maintained, and reflected in the development agreement and condominium ownership documents, as approved by the City Attorney.
- 7) The developer must enter into a maintenance agreement with the City to allow the City to regularly flush private hydrants within the proposed development.

- 8) The developer shall obtain the necessary easements needed to grade the adjacent properties (Mahoney property and Syndicated Properties, LLC property). Evidence of such easements shall be provided to the City.
- 9) The developer shall obtain the necessary easements needed to locate utilities in the adjacent property (Syndicated Properties, LLC property). Evidence of such easements shall be provided to the City.
- 10) Final grading and utility plans will need to be submitted and approved by the City Engineer and Public Works Director.
- 11) A stormwater management plan that complies with Section 11-11-2 of the City Code and the 2030 Storm Water Management Plan will need to be submitted and approved by the City Engineer.
- 12) Parking shall be provided which complies with Section 11-9-10 of the Zoning Ordinance, requiring 179 total parking spaces, 68 of which must be enclosed. If the project is to be constructed in two phases, the parking requirements for the individual buildings must be constructed at the time of development.
- 13) The connection of the proposed drive aisle to the adjacent townhome development will require an agreement and cross easements with the adjacent homeowners association. Evidence of such easements shall be provided to the City, should the connection be made.
- 14) The developer must identify 13,896 square feet within the development, and a description of the proposed recreational facilities, which will fulfill the open space requirements of Section 11-25D-8 (M) of the Zoning Ordinance.
- 15) All common space (i.e. open space, recreational space, parking areas, play areas, etc.) within the development shall be privately owned and maintained, and reflected in the development agreement and condominium ownership documents, as approved by the City Attorney.
- 16) The site plan shall be revised to show all sidewalks abutting parking spaces be at least 6' in width.

And noting that:

- 1) A final landscaping plan that complies with Section 11-10-3 (B) and a final lighting plan that complies with Section 11-4-7 of the City Code shall be submitted prior to issuance of the building permit.
- 2) A minimum of twenty-five percent (25%) of the area of all building façades shall have an exterior finish of brick, stucco and/or natural or artificial stone. This requirement will be imposed on the builder and must be met prior to issuance of the building permit.
- 3) Subject to approval from the Northern Natural Gas Company, the Fire Chief recommends that the developer place an eight 8" deep base of heavy gravel under the dirt and grass on the west side of the southerly building. The Fire Chief suggests that the gravel span the length of the building and be 10' wide.

Motion carried: (5-0)

8. GENERAL BUSINESS

A. Consider Time Change for Planning Commission Meetings

The Commission held a brief discussion regarding the possibility of changing the start time of the Planning Commission meetings from 7:00 p.m. to 6:30 p.m. After discussion, it was decided to leave the meeting start time at 7:00 p.m.

9. MISCELLANEOUS

A. Community Development Updates

Christianson noted that a report containing updates was included in the Planning Commission Packet, and she specifically provided verbal update regarding Christmas Pines, Boulder Heights, Sylvester Meadows, Pete's Hill, the Elko New Market Commerce Center. She also noted that staff would be completing code enforcement inspections / inventories related to recreational vehicles storage and garbage receptacle storage. Kruckman commented that the code relating to garbage receptacles should be reviewed.

B. Planning Commission Questions and Comments

There were no further comments or questions from the Planning Commission.

10. ADJOURNMENT

A motion was made by Smith and seconded by Kruckman to adjourn the meeting at 8:45 p.m. Motion carried: (5-0).

Submitted by:



Renee Christianson
Community Development Specialist