

# CITY OF ELY

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## ELY CITY PLANNING COMMISSION REGULAR MEETING AGENDA

**September 28, 2017 2:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street - Ely, Nevada.**

1. Vice-Chairman Peeler called the regular meeting of the City Planning Commission to order at **2:01 p.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Vice-Chairman Jed Peeler
- Member John Charchalis
- Member Gary Schielke
- Member Maureen Otzelberger

Members absent:

- Member Roman Mariani

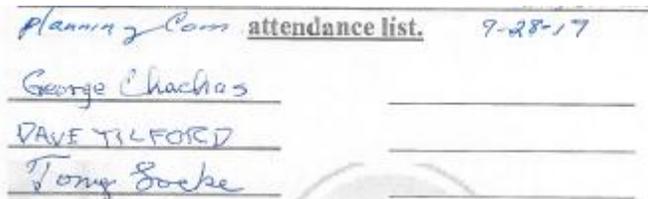
City Officials and Staff present:

- Councilman Ernie Flangas
- City Administrator Robert Switzer
- City Building Official Brad Christiansen
- Deputy City Clerk Jennifer Lee

City Staff absent:

- City Attorney Charles Odgers

Also in attendance: Members of the public signed in (appears below).



## 2. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding a current updated Home Occupation list; an encroachment on Park Avenue and Avenue K; fence height enforcement; Planning Commission members in violation of City Code; and whether Keith Carson, Charlie Carson and Ivan Valdez had FEMA permits.

Robert Zehr stated I am a property owner on Avenue N near the proposed storage units. I'm here to voice opposition to it.

## 3. THE CITY PLANNING COMMISSION WILL RECESS THE REGULAR CITY PLANNING COMMISSION MEETING FOR A PUBLIC HEARING AT 2:00 P.M. ON THE FOLLOWING TOPIC.

1. Vice-Chairman Peeler – Public Hearing – Discussion Only – Consideration of an Application for a Conditional Special Use Permit in order to construct a Storage Unit Complex on the property located at 950 Avenue N, City of Ely, Nevada; the Assessor's Parcel No. is 002-196-01. The applicant is *J & M Trucking, Inc.*

Tony Locke stated Dave and I are here jointly. Dave and his associates have owned the property for quite some time. The property has some unique qualities that restrict what you could or couldn't do with that property. The property had previously been considered by the Planning Commission of the day for exactly this purpose; I have Dave's plan from that time and they had been approved. With the different evolutions of the planning commissions, there is no record.

Dave Tilford stated that was in the early 80's. It was referred to as the old Ely Riding Club property and it's vacant except for the old clubhouse at the southwest corner. We had asked for a zone change to an M-1 zoning which allowed storage units; the City Council would not grant the M-1, but under a C-2, we can apply for a Special Use permit. I approached Tony.

Tony Locke stated as far as purchasing that property, it's paramount to know this property is permitted for storage units. Construction wouldn't begin in two weeks; it would be a phased thing. You've got some major hurdles to overcome on that property as far as utility access.

Robert Zehr stated our opposition to the storage unit proposal is the perspective of a residential property owner. What would happen with property values, which I think are already suffering because of the mobile home park across the street; there's been a lot of mobile homes that have been vacant a long time and I call it a slum lord thing. I'm also concerned with the increase in traffic. We have a high volume of traffic anyway there. There's a lot of speeders; half the time it's unsafe to cross the street. I'm also concerned about people accessing all hours of the night and what type of people. I have no doubt for the financial. I'm all for development and I'd like to see more, just not in my neighborhood.

Dave Tilford stated I am the owner of the property under consideration. Real estate values are going up today in White Pine County and will continue to go up. There have been several new homes built in the City this year and more are planned. As more building goes on, there was

discussion about a major brand name motel being built. The community manager of the mining district was on the Rotary program and optimistic about the future of the mine. At *Desert Mountain Realty*, which I'm still associated with, there's an ad for a new mining company; they're opening in the spring and advertising for employees. If the property were to go back to residential, we could theoretically build fifteen new homes there; that would generate more traffic than the storage units would. Most storage units have hours of operation. I'm here to speak in favor of the project that Tony has planned, with the understanding I am the owner and will benefit; it would be a benefit to the community. If Tony doesn't buy it, I will put a 'For Sale' sign on it and maybe the owner of the trailer park will be interested.

Tony Locke asked is commercial zoning a detriment to property values?

Dave Tilford stated it depends on what's going to happen in the C-2 zoning. Eventually the City will have to address that on east Aultman because you have single family residences there.

George Chachas stated I'd like to speak in favor of the project; it would be a good buffer from the industrial operation Tony has. I've known Tony for a long time and think he will do a good job of cleaning the area up.

#### **4. DISCUSSION/POSSIBLE ACTION ITEM PERTAINING TO THE PUBLIC HEARING.**

1. Vice-Chairman Peeler – Discussion/For Possible Action – Consideration of an Application for a Conditional Special Use Permit in order to construct a Storage Unit Complex on the property located at 950 Avenue N, City of Ely, Nevada; the Assessor's Parcel No. is 002-196-01. The applicant is *J & M Trucking, Inc.*

Member Otzelberger asked is there going to be an office there?

Tony Locke stated this property abuts our existing industrial property and there will not be a staffed office on this location. It will be as Dave has indicated, a secured location and anyone paying for the services would have the ability to overcome the security. The actual 'officing' will take place at my existing office.

Member Otzelberger asked will it be completely fenced?

Tony Locke stated yes.

Member Otzelberger asked will there be any cameras?

Tony Locke stated if that becomes the need.

Member Otzelberger stated I think you should.

Tony Locke stated my home sits immediately adjacent to this piece of property. Ely does not have climate controlled storage, which would probably be the first thing we would do.

Member Charchalis stated I drove the property this morning and because it's bordered by a dirt road, you'd have more of a problem with the trailer park than this facility. I think it would add to

the property values of the area, as long as it's secured. Is there currently utility access for electricity, water and sewer?

Tony Locke stated sewer is an issue. It's on a 'falling away' hill. I ran into this when I constructed my home. You cannot access existing sewer without putting in a lift station. You've got to maintain a lift station. For this application, you don't need sewer.

City Building Official Christiansen stated you could put in an opaque fence with slats to offset the view for the residential area. You're going to get improvements off of this because you're going to have to curb and gutter all the way around.

Tony Locke stated you'll get curb and gutter around the portion abutting the City street.

City Building Official Christiansen stated right, the three sides.

Tony Locke stated I'm going to build this property up. We can do curb and gutter down there and sidewalk to abut up to, but there's going to be a retention . . .

City Building Official Christiansen stated right.

Tony Locke stated . . . at that point; I would hope, in that regard, you've got a dirt road that's accessing two rural parcels. I would hope that the City would not say 'Oh yeah and boy, you've got to . . .' I'll comply with whatever, but I'm not here with a submitted plan today.

Vice-Chairman Peeler asked would you consider paving the area leading up to the entrance?

Tony Locke stated I intend to access off Ninth street. I don't intend to pave Avenue N.

City Building Official Christiansen stated I think it's a good fit for down there.

Tony Locke stated I echo everything Robert said about the trailer park. At some point I'd like to own that property and clean it up.

Member Schielke moved to recommend that the City Council issue a Conditional Special Use permit to *J & M Trucking, Inc.* in order to construct a storage unit complex at 950 Avenue N. Member Charchalis seconded the motion. The motion carried 3 to 1, with Member Otzelberger voting Nay.

## **5. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE PLANNING COMMISSION.**

1. Commission Members – Discussion/For Possible Action – Appointment of Chairman, eligible for re-election; term shall be until first meeting in January 2018 pursuant to City Code 2-1-9 or reestablishment of the Regional Planning Commission.

Member Schielke moved to appoint Jed Peeler Chairman of the City Planning Commission. Member Charchalis seconded the motion. The motion passed 3 to 0, with Vice-Chairman Peeler abstaining.

2. Commission Members – Discussion/For Possible Action – Appointment of Vice-Chairman, eligible for re-election; term shall be until first meeting in January 2018 pursuant to City Code 2-1-9 or reestablishment of the Regional Planning Commission.

Councilman Flangas stated Roman Mariani couldn't attend the meeting today and he called me; he might be interested in it.

Vice-Chairman Peeler stated maybe we ought to put that off.

Member Charchalis moved to table this item until the next meeting. Member Schielke seconded the motion. The motion carried unanimously.

3. Members – Discussion/For Possible Action – Approval of Minutes: July 27, 2017.

Member Schielke moved to approve the July 27, 2017 Minutes. Member Otzelberger seconded the motion. The motion carried unanimously, with Member Charchalis abstaining.

## **6. REPORTS**

There were no reports.

## **7. PUBLIC COMMENT**

George Chachas stated I'm concerned that recently the City demolished a home in the 600 block of Stevens; they confiscated the property owner's vehicles and hauled them away. The City did not follow due diligence; it did not identify the proper owner or receive a certificate of release on the property, the ownership from the property owner to the City. Did it need to be cleaned up? Yes, it did, but you don't destroy a person's home because you didn't do due diligence. Where's the equal protection under the law? Recently I was charged a permit for having an electrical service installed at one of my properties; I want my money back. Your building inspector approved a terrible roofing job at my place of business; the contractor used duct tape for the final inspection and to date has failed to replace the brick he took off the back of my building. I paid that permit because you tell me that's for my protection. I want that protection. I don't want a half-baked job. I've not seen any movement whatsoever. That needs to be taken care of. I'm concerned that the Building Inspector is failing to comply in his scope of work, in particular your rules state: "The Building Official shall ensure safe construction and compliance with plans, codes and laws"; that's lacking. "The Building Official will maintain proper documentation of all work performed"; duct tape? Come on! You're going to approve duct tape for a new roof? I wouldn't. Your building inspector continues to selectively enforce City ordinance 12-11-5 Fence Heights. Look up here on Mill Street and Murry Street, let alone what is going on in Central Ely; you're fining people down there. Stay away from there. That's a poor district. I've asked in the past and there's been no information given to me on Keith Carson finishing the valley gutter on the corner of Ruby and Stevens. There was comment earlier with Tony Locke putting curb and gutter up on that project, that he may do. Keith has yet to finish installing curb and gutter around his property on Ruby Street, as required by Code. He's selling modular homes in that park; is he zoned for that? Does he have a commercial license? Does he have commercial zoning?

City Building Official Christiansen stated the Stevens Avenue project: Mr. Chachas has been given information on that. What happened on the rain gutter was we've got a DI that's on the

corner; the valley gutter goes across and ties into that valley gutter. There is another DI midway down the other block, adjacent to. You can't expect somebody's that developing here to take a valley gutter and run it down half a block the other way. He ran it across his property which is all that's required. As far as using duct tape on Mr. Chachas' commercial building, it's common practice, especially in this type of roofing, that they attach this stuff and hold it in place; they use it as a mastic that's heat activated. As far as Mr. Chachas' brick goes, we don't control whether the brick is removed or replaced or re-mortared; he needs to talk to his contractor. If he decided his contractor is doing something wrong, he can do like he did on his building and get a hold of the State Contractors' Board, which sent a company over at the other contractor's expense, to redo his roof. This is another one of Mr. Chachas' ploys to undermine the City of Ely, White Pine County and everybody around him. So, he's had everything taken care of. I talked to the State Contractors Board; they said that as far as they're concerned, this matter is closed.

**8. ADJOURNMENT: THIS MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE PLANNING COMMISSION.**

Member Schielke moved to adjourn the Regular Meeting of the City Planning Commission at **2:52 p.m.** Member Otzelberger seconded the motion. The motion carried unanimously.

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**CHAIRMAN**

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**ATTEST**