

MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
January 7, 2014
7:00 PM

1. CALL TO ORDER

Commission Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:01 p.m.

Commission members present: Thompson, Hartzler, Kruckman, Smith and Vetter

Members absent and excused: None

Staff Present: City Planner Kirmis, City Engineer Revering, City Attorney Poehler, Police Chief Mortenson and City Clerk Green

2. PLEDGE OF ALLEGIANCE – skipped as no flag available

3. APPROVAL OF AGENDA

A motion was made by Smith and seconded by Kruckman to approve the agenda as presented. Vote for: Thompson, Hartzler, Kruckman, Smith and Vetter. Against: None. Abstained: None. Vote 5-0. Motion carried.

4. PUBLIC COMMENT

None

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A motion was made by Thompson and seconded by Kruckman to approve the minutes of the December 3, 2013 Planning Commission meeting as written. Vote for: Thompson, Hartzler, Kruckman, Smith and Vetter. Against: None. Abstained: None. Vote 5-0. Motion carried.

7. PUBLIC HEARINGS

Elko Marketplace PUD Amendment – Outdoor (Drive-In) Movie Theater

Planner Kirmis discussed with the Planning Commission the application of R&F Properties to amend the existing Elko Marketplace PUD to allow an outdoor (drive-in) movie theater upon the Elko Speedway site.

As part of the proposal, Planner Kirmis noted that the following site modifications are proposed:

- Construction of movie screen

- Construction of projection building
- Future concession/restroom building

Planner Kirmis gave a brief background history on the Elko Marketplace PUD, including approved Concept Plan, Approved PUD Development Stage Plan and Land Use/ Comprehensive Plan, to the Planning Commission.

Planner Kirmis updated the Commission on the following regarding operation of drive-in:

- Applicant plans to commence operations in the spring 2014.
- During spring and fall there would be 2 to 3 movies per night on Thursdays, Fridays and Saturdays.
- During summer that schedule would be expanded to include nightly showings as weather would permit.
- Theater shutdown is expected in late September.
- The applicant has indicated the theater will operate rain or shine during the season and that closing of the theater will occur only for severe weather.
- Show times will vary depending upon sunset.
- Movies are expected to conclude 3.5 to 6 hours after an evening event start time. An "evening event" includes an oval track (race) event.
- Films are expected to conclude by 2:00 a.m.

Planner Kirmis stated Staff's concerns regarding operation of the drive-in include:

- Security
- Traffic
- Off-street parking

Following the presentation by Planner Kirmis, supplemental comments were provided by City Engineer Revering, Chief of Police Mortenson and City Attorney Poehler.

In consideration of the application, the Planning Commission raised questions regarding the following items:

- The status of the outdoor theater security plan.
- Traffic conflicts associated with vehicle exit maneuvers.
- Impacts resulting from nearby baseball field lighting.
- Restrooms and timing of future restroom building construction.
- Size of the proposed outdoor (drive-in) theater in comparison to the Lake Elmo and former Cottage Grove drive-in theaters.
- Status of simulcast presentation of films within Champions Bar.
- Possible roadway connection/outlet to the Whispering Hills neighborhood.

- The Planning Commission Chairman reminded meeting attendees that while the provided staff materials make reference to the possible licensing of the use, the Planning Commission would not discuss or take formal action on the license issue. The Chairman further advised meeting attendees that such issue will be addressed by the City Council.

Public Hearing was opened at 7:45 p.m. The following public comments were received:

- Kyle Kraska, 9568 Glenborough Drive, Elko Baseball Club Board Member, stated that Terry Fredrickson and Tom Ryan had talked and it is anticipated there will be no problem with the baseball field lights.
- Jeff Awe, 26677 Oak Street, had concerns regarding lighting in the area would “wash out” projected film images; noise related to showing of “explosion movies” and adult movies; questioned if the theater would show family friendly type movies and visibility of movie screen from adjacent neighborhoods.
- Lanny Freng, 26540 France Avenue, questioned people leaving and coming back to movie (site re-entry).
- Lane Jones, 9476 – 260th Street, voiced concern about traffic at 2:30 a.m.
- Rebecca Reeck, 26541 Pond Court, expressed concern over traffic behind townhomes; car horns; potential noise-generating activities on former motocross site and damage to townhomes.
- Justin Hamann, 9630 Main Street, questioned if the City’s Police Department will have enough staff on duty to address potential problems.
- Lloyd Armogan, 26629 Oak Street, had concerns about alcohol; noise levels and traffic.
- Jesse Bruhn, 475 Rowena Curve, stated support for the drive-in and felt it would have a positive impact by giving people a reason to stop/stay and/or move to Elko New Market; he stated the noise level for a drive-in was not near the same level as a racetrack and felt a drive-in would bring people to our City

A motion made made by Hartzler and seconded by Kruckman to close the Public Hearing at 7:58 p.m. Vote for: Thompson, Hartzler, Kruckman, Smith and Vetter. Against: None. Abstained: None. Vote 5-0. Motion carried.

The Planning Commission discussed the following concerns:

- Concern over site security and the possibility of persons “sneaking in” to movies from the adjacent Whispering Hills Neighborhood.
- One Commissioner expressed support for the proposed use.
- Concern was raised over possible headlight glare and its impact on adjacent residential properties.
- Question was raised regarding the potential hard surfacing of the drive land located on the west side of the oval track.

The applicant responded to questions raised during the Public Hearing part of the meeting and the Planning Commission discussion. The applicant responded as follows:

- Traffic volumes are not expected to be a significant problem as traffic volumes associated with the drive-in theater are expected to be significantly less than race events.
- Due to available stacking space, no vehicle “back-ups” on France Avenue are anticipated.
- The outdoor theater will be “family-friendly.” In this regard, family movies (rated up to PG13) will be shown and no adult films will be presented.
- Two, rather than three, movies (as indicated in the application narrative) are expected to be shown nightly.
- Rules related to patron noise and vehicle exit procedures can be shown on the movie screen before and after films.
- A berm with coniferous tree plantings is proposed near the Whispering Hills neighborhood to mitigate potential adverse impacts.
- Existing barbwire fencing and the site’s wetland are expected to discourage unlawful pedestrian access to the site from adjacent residential neighborhoods.
- The use of portable toilets upon the site is being considered.

After a lengthy discussion a motion was made by Hartzler, second by Kruckman to recommend approval of the PUD amendment subject to the following conditions. Conditions added by the Planning Commission are highlighted in bold. Vote for: Thompson, Hartzler, Kruckman and Smith. Against: None. Abstained: Vetter. Vote 4-0. Motion carried.

1. All movies shall conclude by 2:00 am and all movie patrons shall vacate the premises by 2:30 am.
2. The acceptability of the proposed traffic managements plans shall be subject to review and approval by the City Engineer.
3. Outdoor (drive-in) theater activities shall not occur simultaneously with any other events within the grandstand/oval track/concourse.
4. The City Engineer provide comment and recommendation in regard the proposed vehicle parking area surfacing material and any related drainage issues.
5. The projection building shall be designed such that finish materials and colors are compatible (consistent) with other accessory buildings upon the site.
6. No external (outdoor) speakers shall be used in association with outdoor (drive-in) theater activities.

7. The site plan be modified to depict the intended general location of the proposed portable concession stand.
8. Alcohol shall not be served within the PUD for consumption within the confines of the outdoor theater area.
9. The potential loss of previously approved camping spaces shall be addressed by the applicant. If the camping spaces are to be relocated, alternative locations shall be designated upon the site plan and approved by the City.
10. The City Engineer provide comment and recommendation in regard to wetland potential impacts.
11. The applicant shall address the possible removal or relocation of the approved construction equipment storage area. If the construction equipment storage area is to be relocated, its location shall be designated upon the site plan and approved by the City. As part of such possible relocation, an assurance shall be made that equipment is not visible from adjacent properties and rights-of-way.
12. New and/or relocated site signage shall be consistent with the approved comprehensive sign plan and subject to sign permit.
13. The applicant shall enter into a PUD amendment agreement with the City. This issue shall be subject to further comment and recommendation by the City Attorney.
14. The applicant comply with traffic impact provisions of Scott County Ordinance No. 5.
15. The exit plan is revised to eliminate simultaneous exit at Marketplace Boulevard and France Avenue.
16. The applicant shall clarify the traffic operations plan for nights with racing followed by movies. If the intent is to permit a change in the audience, a plan shall be submitted which demonstrates the management of entrance/exit of overlapping audiences.
17. The applicant shall comply with City Environmental Protection sections of Zoning Ordinance for wetlands (permit required) and stormwater management (plan and computations required).
18. A utility plan to provide sanitary sewer and water supply service to the concessions building shall be submitted subject to approval by the City Engineer.

19. Unless otherwise addressed as part of licensing (for the proposed use), a detailed security plan shall be prepared by the applicant, subject to approval by the Police Chief. Minimally, the plan shall address security staffing, training for security staff, theater rules, handling of violations of theater rules and measures to prevent alcohol from leaving permitted service areas. Such plan shall be approved and in-place prior to the commencement of drive-in theater operations.
20. Unless otherwise addressed as part of licensing (for the proposed use), a weather policy and evacuation plan shall be prepared by the applicant, subject to approval by the Police Chief.
21. If licensing is not required, the following conditions be satisfied:
 - A. The site shall be kept free from trash at all times.
 - B. No intoxicating liquors shall be allowed on or consumed on the site.
 - C. No motor vehicles shall be allowed to stop or park on the shoulder of public roads abutting the site/no stacking of vehicles is allowed on public roadways.
 - D. Traffic control plan shall be approved by the City Engineer and Chief of Police for the ingress and egress from public roadways to the site prior to review by the City Council.
22. **Parking areas and drive lanes associated with the proposed outdoor (drive-in) theater use shall be surfaced to control dust. This issue shall be subject to further comment and recommendation by the City Engineer.**
23. **The illuminated side of the movie screen (the north side of the screen) shall not be visible from adjacent residential properties.**
24. **Screening shall be provided as necessary to minimize headlight glare upon adjacent residential properties. Proposed screening efforts shall be subject to City approval.**
25. **The City Building Official provide comment and recommendation in regard to the adequacy of proposed restroom facilities and specifically the proximity of existing facilities to the outdoor (drive-in) theater area.**
26. **Fencing, screening and/or a combination thereof shall be provided to discourage unlawful pedestrian access to the site (from adjacent residential neighborhoods) and the infiltration of movie patrons on to adjacent private property. The type and locations of fencing and/or**

screening shall be subject to City approval.

8. PETITIONS, REQUESTS AND INQUIRIES

None

9. GENERAL BUSINESS

None

10. MISCELLANEOUS

Chairman Thompson suggested that the August 2014 Planning Commission date be changed from Tuesday the 5th to Wednesday the 6th so as not to conflict with National Night Out activities. The Commission agreed to change the date of the August meeting to the 6th as suggested by Chairman Thompson.

11. ADJOURNMENT

A motion was made by Smith and seconded by Vetter to adjourn the meeting at 8:59 p.m. Vote for: Thompson, Hartzler, Kruckman, Smith and Vetter. Against: None. Abstain: None. Vote 5-0. Motion carried.

Submitted by
Sandra Green