

CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA
PLANNING COMMISSION MEETING
601 MAIN STREET
ELKO NEW MARKET, MINNESOTA 55054
TUESDAY, FEBRUARY 3, 2015

1. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

Members Present: Chair Thompson, Commissioners: Hartzler, Vetter and Kruckman

Members Absent: Smith

Also Present: City Administrator Terry, Planner Kirmis, Engineer Revering, Chief Mortenson and City Attorney Poehler

2. PLEDGE OF ALLEGIANCE

The Chair led the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

Motion to approve the agenda. Made by Hartzler, Seconded by Vetter - APIF

4. PUBLIC COMMENT

None

5. ANNOUNCEMENTS

None

6. APPROVAL OF MINUTES

Motion to approve the Minutes of the January 6 Planning Commission meeting. Made by Hartzler, Seconded by Kruckman - APIF

7. PUBLIC HEARINGS

The Chair opened the public hearing at 7:03 p.m. on the Elko Marketplace (Elko Speedway) PUD Amendment to allow modifications related to the following:

- BBQ Area/Temporary Food Area
- Expanded Liquor Service Area - Parking Lot
- Expanded Liquor Service Area - Pit Area
- County Road 2 Freestanding Sign
- Removal of Blanket Utility Easements
- Future East/West Connector Street
- Revised Rules and Policies

The Staff report was presented by the City Planner, Bob Kirmis.

When the applicant was asked if they wanted to make any comments to the Commission, Tom Ryan requested the opportunity to speak to the Commission after hearing public comments.

Comment was received from Lane Jones, residing at 9476 260th Street East. Mr. Jones asked if the proposal meant that two signs would be located at the intersection of CSAH and France Avenue. City Planner Bob Kirmis explained that current sign would be moved to track entrance and that new sign would erected in location of the current sign. Mr. Jones also asked about temporary signs and parking of buses on the property by at the corner of CSAH 2 and France Avenue. City Administrator Terry advised Mr. Jones that he should call at the time with concerns and that the City would investigate.

Tom Ryan inquired why approval of the sign at CSAH 2 and France Avenue would be required. Planner Bob Kirmis responded that it was easier to process the sign changes as part of the PUD amendment rather than a separate administrative permit.

The applicant, Tom Ryan, discussed conservative approach to the Drive-in operations last year that resulted in an impact to attendance. He indicated that although many things worked well, the lack of picnic or tailgating atmosphere was perceived as negative by patrons and did not meet expectations that the public had for a drive-in theatre. Also, the distance for patrons to get concessions was too far. Ryan indicated that a concrete base for the concession stand would help with rodent control and moisture protection. He also indicated that the concessions stand could be moved. Overall, the operator wants to take a less dictatorial and more welcoming approach towards patrons.

Commissioner Hartzler asked about the previous Elko Speedway decision not to have liquor in pit areas. Ryan indicated that it is the intent to use pit area as overflow parking for the theatre. Ryan stated that, historically, racers bring liquor into the pits from outside and it is not regulated. Ryan indicated that the Track would like to control consumption in the pit area.

Commissioner Hartzler asked about status of camping on the site, since the designated area coincides with the BBQ/Picnic Area. Ryan indicated that camping is intended to continue, but may be reconsidered in the future.

Commissioner Hartzler asked Ryan if the drainage easements on the western portion of property are affecting his ability to market the property. Ryan indicated that it was.

Chair Thompson asked if a permanent concession building could be moved through administrative permit. City Administrator Terry and Planner Bob Kirmis responded that a temporary structure could potentially be moved through administrative permit.

Commissioner Vetter asked about the relationship between liquor licensing and land use approvals. City Attorney Poehler responded.

Comment was received from Stephanie Adams, residing at 9055 Glenborough Drive. She asked about the status of the gravel drive on the subject property that was across from Aaron Drive and the functional status of Whispering Hills Drive.

City Engineer provided explanation of the Staff position recommending denial of the applicants requests related to removal of blanket utility easements and the timing of the future east/west connector street.

Comment was received from Julianna DeGross. Residing at 9199 Fairway Hill Drive. She indicated concern regarding increased traffic on Whispering Hills Lane if it was extended to France Avenue.

Motion to close the public hearing at 8:02. Made by Vetter, seconded by Hartzler.

After closing the public hearing, the Planning Commission discussed the Staff recommendation regarding the east/west connector street. The Planning Commission concluded that the change requested by the applicant (to tie future construction of the east/west connector street solely to the development of the former motocross area) is reasonable.

After a lengthy discussion regarding the east/west connector street, a motion was made by Vetter, seconded by Hartzler to recommend the following (related to the various requests included in the Elko Marketplace PUD Amendment application) - APIF

A. Approval of the proposed barbeque/picnic area and concession stand subject to the following conditions:

1. The boundaries of the barbeque/picnic area shall be consistent with those illustrated upon Exhibit A of the applicant narrative.
2. The proposed concession stand shall require issuance of a building permit.
3. The allowance of such use shall be documented in the PUD amendment agreement.

B. Approval of the expanded liquor service area subject to the following conditions:

1. The liquor service area shall be expanded to overlay the movie theater parking lot, pit area and barbeque picnic area (as graphically depicted within the applicant's narrative dated December 19, 2014) for one year and shall expire on March 1, 2016.
2. Carry-in liquor in designated liquor service areas shall be prohibited.
3. The consumption of alcohol within the designated pit area by movie, race and other outdoor event patrons/customers shall be prohibited. It is understood that the boundary of the pit area may change at certain times to accommodate overflow theater parking (within the area designated upon the liquor service area map).

4. The liquor service area map shall be revised to illustrate the existing (permanent) liquor service area and the interim service areas (theater parking area and pit area). Such map shall also clearly identify the boundaries of the theater's overflow parking area.
 5. Alcohol sales within the expanded liquor service area shall be subject to issuance of a liquor license by the City and compliance with applicable City Code provisions related to liquor licenses.
 6. City consideration of a permanently expanded liquor service area shall be initiated by the applicant via PUD amendment application.
 7. The liquor service area change shall be documented in the PUD amendment agreement.
- C. Approval of the comprehensive (master) sign plan modifications subject to the following conditions:
1. The County Road 2 freestanding sign shall not exceed 342 square feet in size (area) and 30 feet in height.
 2. Signs shall be erected in accordance with the comprehensive (master) sign plan prepared by Appro Development and dated June 2, 2008 and the amended County Road 2/France Avenue freestanding sign plan as included in the applicant's narrative dated December 19, 2014.
 3. All signs shall be subject to a sign permit in accordance with Zoning Ordinance requirements.
 4. All signs shall be located not less than 10 feet from property lines.
 5. The County Road 2 freestanding sign shall be located within the previously established sign easement (to ensuring the ability of the Speedway to maintain such sign).
 6. No signs shall be located within a 30 foot clear view triangle on corner lots.
 7. The comprehensive (master) sign plan change shall be documented in the PUD amendment agreement.
- D. Approval of the proposed Rules and Policies (Exhibit G of the applicant narrative) subject to the following conditions:
1. Throughout the Rules and Policies, references to "Elko" shall be changed to "Elko Speedway and Champions Outdoor Movie Theater."

2. A sign which conveys the prohibition of guns upon the property shall be erected near the subject site's France Avenue entrance. Such sign shall be specifically located to be visible to movie patrons.
 3. The updated Rules and Policies shall be incorporated into the PUD amendment agreement.
- E. Denial of the request to remove certain blanket drainage and utility easements upon Lot 1, Block 2 as shown on Exhibit E of the applicant narrative based upon the following findings:
1. Removal of certain blanket at this time (prior to a specific development proposal) is considered premature. A primary purpose of such easements is the protection stormwater holding/storage areas. The stormwater and utility needs associated with future development are unknown as no new development has been proposed at this time for the area shown on Exhibit E of the applicant narrative.
 2. The intention of planned unit development has not been demonstrated. An intention of planned unit development is to provide flexibility from the terms of the Ordinance (in this case the terms of the PUD agreement) when such flexibility will result in some sort of benefit to the City or overall development. No "trade off" of sorts or benefit to the City or the overall development has been proposed which fulfills this objective.
- F. Approval of the applicant's request to modify the PUD agreement condition requiring the dedication of right-of-way and construction of an east /west connector street subject to the following conditions:
1. The right-of-way dedication and street construction requirement for the east/west connector street shall relate solely to the future development of the former motocross property and not development along County Road 91.
 2. The preceding modification shall be incorporated into the PUD amendment agreement.
8. PETITIONS, REQUESTS, AND INQUIRIES
None
9. GENERAL BUSINESS
None
10. MISCELLANEOUS
City Administrator Terry provided general updates to the Planning Commission.

11. ADJOURNMENT

Motion to adjourn at 8:41 p.m. Made by Vetter, seconded by Kruckman - APIF

Submitted By:

Thomas Terry, City Administrator