MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
October 6, 2015
7:00 PM

1. CALL TO ORDER

Commission Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:00 pm.

Commission members present:	Thompson, Kruckman, Vetter and Smith
Members absent and excused:	Hartzler
Staff Present:	City Planner Kirmis, City Engineer Revering, City Administrator Terry, Chief of Police Mortenson, Assistant City Administrator Nagel and Economic Development Coordinator Christianson

2. PLEDGE OF ALLEGIANCE

Chairman Thompson 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 presented. Vote for: Thompson, Smith, Kruckman and Vetter. Against: None. Abstained: None. Vote 4-0. Motion carried.

4. PUBLIC COMMENT

There were no public comments.

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 August 11, 2015 Planning Commission meeting as written. Vote for: Thompson, Smith, Kruckman and Vetter. Against: None. Abstained: None. Vote 4-0. Motion carried.

7. PUBLIC HEARINGS

Elko Marketplace (Elko Speedway) PUD Amendment

Chairman Thompson asked Planner Kirmis to present his memorandum dated September 21, 2015 regarding the Elko Marketplace PUD amendment application to allow modifications related to the following:

Liquor Service Area. Allow the service and consumption of alcohol in the outdoor (drive-in) theater and motor pit area as a permitted use. The consumption of alcohol in these areas is presently allowed as an interim/temporary activity.

Special Music Events. Provide for up to two music events per year that extend past 11:30 pm (to 12:30 am) by a permit approved by the City Council.

Site Improvements. Revise the previously approved site plan to include the following improvements:

- Overflow parking areas located south and east of the outdoor (drive-in) theater parking area.
- A playground area near the outdoor (drive-in) theater screen.

The Chair opened the public hearing at 7:10 p.m.

There were no comments provided by the general public during the hearing.

A motion was made by Smith and seconded by Kruckman to close the public hearing at 7:11 p.m. Vote for: Thompson, Smith, Kruckman and Vetter. Against: None. Abstained: None. Vote 4-0. Motion carried.

After closing the public hearing, the Planning Commission voiced general support of the proposed PUD amendment.

Follow-up discussion was limited to a question related to existing noise restrictions imposed upon the site. Chief of Police Mortenson explained that, if and when noise complaints are received, the City monitors noise levels via the use of a noise meter.

A motion was made by Kruckman, seconded by Vetter to recommend the following (related to the various requests included in the Elko Marketplace PUD Amendment application). Vote for: Thompson, Smith, Kruckman and Vetter. Against: None. Abstained: None. Vote 4-0. Motion carried.

A. Approval of the proposed permanent (permitted) liquor service area subject to the following conditions:

    1. The boundaries of the permanent (permitted) liquor service area shall be consistent with those illustrated upon Exhibit 1C of the applicant narrative.

    2. The liquor service area change shall be documented in the PUD amendment agreement.

3. Carry-in liquor in the permanent (permitted) liquor service area shall be prohibited.

4. Alcohol sales within the permanent (permitted) 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. This issue shall be subject to comment and recommendation by the City Attorney.

B. Approval of up to two outdoor music events per year within either the oval track or concourse area that extend past 11:30 pm subject to the following conditions:

1. The music events shall cease at 12:30 am.

2. No more than two music events, which extend to 12:30 am, shall take place in a calendar year.

3. The 12:30 am music event dates shall be identified upon the Speedway's event schedule and be approved by the City Council.

C. Approval of the proposed overflow parking area subject to the following conditions:

1. The boundaries of the overflow parking lots shall be consistent with those illustrated upon Exhibit 2 of the applicant narrative.

2. Access to and egress from the overflow parking areas shall be provided internally from the Elko Speedway site.

3. The overflow parking areas shall be screened from view of adjacent residential uses.

D. Approval of the proposed playground subject to the following condition:

1. The playground shall be located as illustrated upon Exhibit 3 of the applicant narrative.

E. The applicant enter into a PUD amendment agreement with the City.

8. PETITIONS, REQUESTS AND INQUIRIES

There were no petitions, requests or inquiries.

9. GENERAL BUSINESS

A. Chicken Regulation Discussion

Chairman Thompson asked Planner Kirmis to present his memorandum dated September 21, 2015 regarding chicken regulations.

In his presentation, Kirmis summarized the discussion which took place at the August 11, 2015 Planning Commission meeting including the referral of the chicken regulation matter back to the City Council. Kirmis advised that Planning Commission that, in consideration of this matter at their August 27, 2015 meeting, the Council has specifically directed the following:

1. If the Planning Commission feels that the keeping of chickens is an acceptable accessory activity subject to various conditions, a detailed listing of recommended conditions should be provided to the City Council.

2. If the Planning Commission feels that such activity should not be permitted in the City, it should provide the following to the City Council:

   A. The rationale (or reasons) for such determination.

   B. In the event the City Council does not agree with the Planning Commission's determination and directs the preparation of an amendment to allow such activity, a listing of recommended conditions of use allowance.

3. Reasonable time should be taken (and research should be conducted) by the Planning Commission in making the requested recommendation.

Kirmis further noted that, at this point, the formal preparation of an ordinance amendment has not been directed by the City Council.

Kirmis advised the Planning Commission that various information had been provided/received for consideration since the August Commission meeting including several example ordinances (Afton, Farmington, Jordan and Northfield). It was specifically noted that residents in attendance at the meeting who support the allowance of backyard chickens in the City had submitted a research paper, photographs and a video of a chicken enclosure.

Following Planner Kirmis' presentation, Chairman Thompson asked for comment from Chief of Police Mortenson and Assistant City Administrator Nagel regarding the keeping of backyard chickens.

Chief of Police Mortenson indicated that, in his experience, the keeping of backyard chickens had not created any significant nuisance concerns or put a strain on city resources. The Chief further indicated that he would not expect any problems related to the keeping of chickens in Elko New Market.

Mark Nagel indicated that he had no comments other than noting that details related to the potential allowance of chickens will need to be address be the process moves forward.

Chairman Thompson then asked for comments from the public. Received comments are summarized below:

Dawn Weitzel (26340 Thomas Avenue). Ms. Weitzel expressed support for the proposed use (the keeping of chickens within residential zoning districts) and the necessary Ordinance amendment. Ms. Weitzel further indicated that she believes that people and chickens can co-exist in urban residential areas. Ms. Weitzel presented photographs and a video of an example chicken facility.

Following Ms. Weitzel's presentation, City Staff posed questions related to the chicken enclosure highlighted in the video. Specifically, questions were raised related to fencing, building materials and lot size.

Shari Luebbert (3314 Aaron Drive). Ms. Luebbert expressed support for the proposed use and presented some related research information which she had assembled since the August Planning Commission meeting. The following is a summary of research findings which were highlighted by Ms. Luebbert:

- There have been no reported cases of bird flu in the United States in flocks under 40 chickens.

- Wayne Martin of the University of Minnesota Extension Office believes that that the bird flu virus which was prominent this past spring was carried by people active in large commercial chicken operations who did not follow bio-security methods (and not small urban flocks).

- Contact was made with the Cities of St. Paul, Minneapolis, Farmington and Edina in regard to received complaints related to the keeping of chickens. All contacted communities indicated that complaints related to the keeping of backyard chickens are rare.

A summary of Ms. Luebbert's research was submitted for the record.

As a follow-up to the public comments, questions were raised by the Planning Commission and City Staff related to the following:

- Enclosure sizes and finish materials
- Adjacent property owner consent
- Fencing/screening
- Approval mechanisms (revocable permit/license)
- Need for inspections

Ultimately, the Planning Commission decided to continue the chicken regulation discussion to the November 10, 2015 meeting. In preparation for such meeting, the Commission requested the following:

- An investigation related to the reasons certain cities have chosen not to allow urban chickens.
- Photographs of example chicken enclosures.
- A model ordinance (or ordinances) or summary of recommended conditions from which Planning Commission feedback can be provided.

B. Wind Energy System Height Requirements

Chairman Thompson asked Planner Kirmis to present the memorandum prepared by himself and Economic Development Coordinator Christianson dated September 22, 2015 (regarding wind energy system height requirements).

Planner Kirmis explained that in September of 2014, the City issued a building permit for installation of a roof mounted wind turbine with the condition that the turbine height shall not extend more than six feet (6') above the highest point of the roof. The roof mounted turbine was reviewed and approved by the building inspector (for structural purposes) and the turbine was installed as permitted.

Kirmis further indicated that the property owner and his representative contacted the City this past summer and indicated the wind turbine is not working properly due to insufficient height and subsequently petitioned the City to reevaluate its wind energy requirements.

As a follow-up to the received property owner contact, Kirmis indicated that City Staff has researched wind energy systems commonly allowed as an accessory to single family residential uses. As a result of such research, the following conclusions were made:

- There are two basic options for roof mounted turbines, the horizontal axis wind turbine (HAWT) such as that owned by the City resident and vertical axis wind turbines (VAWT).
- There are reasonable options for roof mounted wind turbines that do function and meet the City's height requirements.

Kirmis explained that Staff conveyed the preceding findings to the property owner and their representative and offered the opportunity to apply for a variance to the turbine height requirements of the Ordinance or an amendment to the change the existing height requirements.

Kirmis also stated that the reason this issue was brought before the Planning Commission was solicit feedback related to any desired changes to the current height requirements imposed upon wind energy systems (located within residential zoning districts) or if the Commission feels that additional research should be conducted by City Staff.

In consideration of the provided information, the Planning Commission advised Staff that no changes should be made to the current wind energy system height regulations at this time.

10. MISCELLANEOUS

Staff Updates: City Administrator Terry provided updates on the following projects:

- County Road 2 Corridor Study
- Scott County - Interstate 35 Design Study
- "Park I-35" (Ryan Companies) project
- Community Development Specialist position
- Boulder Heights
- Barsness property development (SE quadrant of County Roads 2 and 91)
- Senior housing project

Following City Administrator Terry's presentation, Economic Development Coordinator Christianson provided an update on the grocery store project.

Garage Setbacks. Chairman Thompson suggested that consideration be given to a future ordinance amendment which would make an allowance for five foot side yard setbacks for garages. It was concluded that this issue will be discussed at a future, yet to be determined, Planning Commission meeting.

11. ADJOURNMENT

A motion was made by Smith and seconded by Vetter to adjourn the meeting. Vote for: Thompson, Kruckman and Vetter. Against: None. Abstained: None. Vote 4-0. Motion carried.

The meeting ended at 8:58 pm.

Submitted by:
Bob Kirmis, City Planner