

## ELKO NEW MARKET - PLANNING COMMISSION MEETING

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PC Members: Steve Thompson , Brad Smith, Heather Vetter, Nicole Kruckman, Kent Hartzler, and Harry Anderson  
City Staff: City Planner Bob Kirmis, Community Development Specialist Renee Christianson and City Engineer Rich Revering



### AGENDA

**TUESDAY, MARCH 6, 2018 @ 7:00 PM**  
COUNCIL CHAMBERS – NEW MARKET AREA HALL  
601 MAIN STREET, PO BOX 99, ELKO NEW MARKET, MN 55020

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**  
Consider Approval of the Agenda
- 4. PUBLIC COMMENT** (public opportunity to comment on items not listed on the agenda)
- 5. ANNOUNCEMENTS**
- 6. APPROVAL OF MINUTES**  
Consider Approval of the following:
  - A. February 1, 2018 Meeting Minutes
- 7. PUBLIC HEARINGS**
  - A. None
- 8. GENERAL BUSINESS**
  - A. Draft Amendment to Zoning Ordinance - Commercial Vehicle Parking
  - B. Sketch Plan Review – PUD Zoning & Barsness First Addition, Warren Barsness, Applicant
- 9. MISCELLANEOUS**
  - A. City Staff/Consultant Business Updates & Reports
  - B. Planning Commission Questions & Comments
- 10. ADJOURNMENT**

#### **BOARD NOTICE:**

TO DETERMINE IF A QUORUM WILL BE PRESENT, PLEASE CONTACT ELKO NEW MARKET AREA HALL AT 952-461-2777  
IF YOU ARE UNABLE TO ATTEND

#### **PUBLIC NOTICE:**

ANYONE SPEAKING TO THE BOARD SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
February 1, 2018  
7:00 PM**

**1. CALL TO ORDER**

Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:02 p.m.

Commission members present: Thompson, Kruckman, Smith, Vetter and ex-officio member Anderson

Members absent and excused: Hartzler

Note: Commissioner Vetter arrived late and was not present for agenda items 1 through 6

Staff Present: Economic Development Specialist Christianson, City Planner Kirmis and City Engineer Revering

**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, Kruckman and Smith. Against: None. Abstained: None. Motion carried: (3-0).

**4. PUBLIC COMMENT**

There were no public comments.

**5. ANNOUNCEMENTS**

There were no announcements.

**6. APPROVAL OF MINUTES**

Prior to the consideration of the meeting minutes, Dennis Green, who resides at 51 West Louis Street, asked the Planning Commission to make a change to the draft January 4, 2018 meeting minutes as written. He asked that a comment he believes he made at the public related to the commercial vehicle parking amendment be added. Specifically, Mr. Green asked that his reference to narrow neighborhood street widths be added.

In response to Mr. Green's request, the Planning Commission directed Planning Staff to review the recorded meeting tape and revise the meeting minutes (if necessary) to accurately reflect Mr. Green's comments.

A motion was made by Thompson and seconded by Smith to approve the minutes of the January 4, 2017 Planning Commission meeting with a condition that they be modified as necessary to accurately reflect Mr. Green's comments (based on Planning Staff's review of the recorded meeting tape). Vote for: Thompson, Kruckman and Smith. Against: None. Abstained: None. Motion carried: (3-0).

## **7. PUBLIC HEARINGS**

### **A. Zoning Ordinance Amendment – Definition of Residential Care Facilities**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated February 1, 2018 related to the definition of residential care facilities. Christianson explained that the definition of "Residential Care Facility" as currently provided in the City's Zoning Ordinance is inconsistent with State Statute and is in need of correction. Christianson noted that Planning Staff has worked with the City Attorney's office in the preparation of the amendment to ensure its consistency with State law.

Christianson concluded her presentation by stating that Planning Staff recommends approval of the proposed Zoning Ordinance amendment.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:05 p.m.

There were no comments at the public hearing.

Hearing no comments, a motion was made by Thompson and seconded by Kruckman to close the public hearing at 7:06 pm. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

Recognizing that the draft amendment was previously discussed at the Planning Commission's January 4, 2018 meeting, the Commissioners had no comments or questions related to the item.

A motion was made by Smith and seconded by Kruckman to recommend approval of the "Residential Care Facilities" amendment as written. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

## **8. GENERAL BUSINESS**

### **A. Comprehensive Plan**

#### **1) Solar Resources Plan**

Chairman Thompson asked Planner Kirmis to present the draft Solar Resources Plan chapter of the 2040 Comprehensive Plan (dated February 1, 2017). Kirmis provided an overview of the Plan, explaining that the Metropolitan Land Planning Act requires

comprehensive plans for Metropolitan Area communities to include an element related to the protection and development of access to direct sunlight for solar energy systems. In this regard, Kirmis noted that the Metropolitan Council has indicated that the following solar resource-related information must minimally be included in the Elko New Market's 2040 Comprehensive Plan:

- Gross Solar Potential Map
- Solar Resource Calculations
- Solar Resource Policies
- Implementation steps

Kirmis indicated that the Gross Solar Potential Map and the Solar Resource calculations were provided by the Metropolitan Council but that the draft policies and implementation steps were formulated by Planning Staff.

Specific notation was made that the draft Solar Resources Plan includes a policy which encourages the development of solar gardens outside of the City's 2040 MUSA boundary.

Planner Kirmis concluded his presentation by requesting feedback from the Planning Commission and a recommendation to forward the Plan chapter to the City Council for their informal review.

Following Kirmis' presentation, the Planning Commission questioned Planning Staff regarding the following:

- Existing City ordinances related to solar energy systems.
- Scott County requirements which apply to solar farms (solar gardens).

Following the Staff presentation, a motion was made by Smith and seconded by Kruckman to recommend the forwarding of the draft Solar Resources Plan chapter (as written) to the City Council for informal consideration. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

## **2) Sanitary Sewer Plan, Water Plan and Surface Water Management Plan**

Chairman Thompson asked City Engineer Revering to present the various engineering plan maps to be included in the 2040 Comprehensive Plan.

City Engineer Revering informed that Planning Commission that a sanitary sewer plan, water plan and surface water management plan are required components of the 2040 Comprehensive Plan. Revering noted that the intent of his presentation is to provide background information for more detailed review of the plans (text and maps) at February 27, 2018 Planning Commission meeting. It was specifically noted that the

presentation was “informational” and that the Planning Commission was not being asked to provide feedback on the various plans at this time.

As part of City Engineer Revering’s presentation, the following conveyed:

#### Sanitary Sewer Plan

- Identification of interceptor locations
- Proposed changes to the City’s 2030 Sanitary Sewer Plan
- Sewer districts and basis for boundaries
- City geology
- Plan objectives – including, but not limited to, a determination of system costs and related fees
- Metropolitan Council financial obligations
- Timing/sequence of system construction and challenges
- Infrastructure impediments

#### Water Plan

- Identification of water plant, well and trunk water main locations
- Water pressure zones (former City of Elko is in a separate zone due to elevation differences with surrounding areas)
- Pipe sizing (based on need to provide adequate fire protection)
- Water system cost factors
- Well depths (aquifer access)
- Water quality/treatment
- Water service process (sequence for home access to water)
- Future water tower locations (likely not required before 2040) and tower property acquisition
- Loop system objective and related benefits

#### Surface Water Management Plan

- Identification of watershed locations and basis for boundary demarcations
- Shift from previous regional ponding objectives to local ponds (due to implementation obstacles)
- Climatic changes which influence storm water management (“bigger” rainfall events and more frequent “big” events)
- Review/examination of City contours (on a neighborhood scale)

## **9. MISCELLANEOUS**

### **A. City Staff / Consultant Business Updates and Reports**

Project Updates. Community Development Specialist Christianson provided verbal updates on the following City projects:

- Barness project
- Boulder Pointe subdivision
- Pete's Hill Park
- Dakota Acres
- DeGross property
- New Market Bank commercial center
- Christmas Pines
- Chinese restaurant

## **B. Planning Commission Questions and Comments**

There were no Planning Commission questions or comments.

## **10. ADJOURNMENT**

A motion was made by Kruckman and seconded by Vetter to adjourn the meeting at 8:28 p.m. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

Submitted by:



Renee Christianson  
Community Development Specialist



601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**RE:** DRAFT AMENDMENT TO SECTION 11-8-3 OF THE CITY CODE / ZONING ORDINANCE, PERTAINING TO COMMERCIAL VEHICLE PARKING  
**DATE:** MARCH 6, 2018

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### **Background / History**

At the November 2, 2017 Planning Commission meeting, discussion took place regarding a proposed amendment to Section 11-8-3 of the City Code / Zoning Ordinance pertaining to commercial vehicle parking. Section 11-8-3 of the City Code currently precludes the parking of all commercial vehicles, both Class I and Class II vehicles, on all residential lots unless the lot is zoned commercial. Class I and Class II commercial vehicles are defined below:

Class I: Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight, including, but not limited to: semitrailers, the tractor portion of semi-trucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

Class II: All vehicles other than class I commercial vehicles including pickup trucks, vans, trailers and school buses designed to carry twenty (20) persons or less. Vehicles shall also be eight feet (8') in height or under, a maximum of twenty-four feet (24') in length and no more than eighteen thousand (18,000) pounds.

At the November 2, 2017 meeting, the Planning Commission recommended the following:

1. No exceptions be made in the Ordinance for the parking of Class 1 commercial vehicles in residential zoning districts.
2. Staff prepare an Ordinance amendment which makes an allowance for the parking of Class II commercial vehicles in residential zoning districts
3. A public hearing be scheduled to consider the referenced Ordinance amendment.

### **Public Hearing**

At the January 4, 2018 Planning Commission meeting, a public hearing was held to formally consider the proposed ordinance changes (with the changes described above). The changes proposed were strictly to clarify language to allow the parking of Class II vehicles in residential zoning district. At the January meeting, a significant number of comments were received. Some comments were in favor of the changes,

as proposed. Some comments were regarding changing the definition of Class I vehicles to specifically exclude flat-bed trucks and tow trucks, and allow them in residential districts.

Persons in favor of the amendment, which would continue to prohibit the parking of Class I vehicles in residential districts, cited concerns related to an ongoing commercial vehicle parking violation. In this regard, those persons who spoke in favor of the amendment cited the following concerns related to the potential allowance of Class I commercial vehicle parking in residential zoning districts:

- Negative impacts the neighborhood appearance
- Negative impacts on property values
- Noise concerns (back-up beepers)
- Street impacts (not designed for commercial vehicles)
- Unsafe conditions (related to the backing of large commercial vehicles)
- Air quality (from diesel truck engines)

Persons requesting that flat-bed trucks and tow trucks be specifically allowed in residential zoning districts were primarily represented by persons directly or indirectly involved in towing businesses. In this regard, the following opinions were expressed:

- An allowance should be made for tow truck parking in residential zoning districts.
- Prompt response times for tow truck drivers are critical and, for this reason, many towing service employees park their tow trucks at their homes.
- Tow truck services should be considered and permitted as an essential emergency activity in the City (similar to police and fire response calls).
- The prohibition of tow truck parking in residential zoning districts would negatively affect towing business operations (both in terms of efficiency and financial impacts).
- The parking of work-related commercial vehicles in residential zoning districts reflects the character of the City of Elko New Market, which is a working class community.

Ultimately, the Planning Commission closed the public hearing and decided to continue the discussion of the commercial vehicle parking amendment at a future meeting date and suggested that a revised version of the draft ordinance amendment be prepared which reflects received Planning Commission feedback in the following areas:

- Registration requirements for Class I commercial vehicles which hold grandfather rights (one time versus annually).
- The allowance of two Class II commercial vehicles on residentially zoned property.

### **Research**

The Planning Commission requested that details regarding staff's previous research of other city codes be provided for review. Staff also conducted additional research related to commercial vehicle parking regulations in neighboring communities. Specifically, the scope of research was expanded to include some additional south metro communities. Results of this research are provided in an attached table and summarized below.

- Apple Valley - Commercial vehicles (over 1 ton) not allowed in residential zoning districts.
- Belle Plaine - Commercial vehicles (over 9,000 lbs GVWR) not permitted in residential districts unless stored within a garage.
- Bloomington - Commercial vehicles which are greater than eight feet in height or 22 feet in length are prohibited in residential zoning districts except per listed exceptions (see table).

- Burnsville - Commercial vehicle parking in residential districts is subject to a maximum vehicle length restriction (22 feet) and licensing requirement.
- Eagan - Commercial vehicle parking regulated by exclusion from list of permitted accessory uses in R-1 districts and home occupation requirements.
- Farmington - Class I commercial vehicles allowed only on lots 2.5 acres in size or greater (see table for definitions). Class II commercial vehicles allowed if the primary form of transportation to the resident's job.
- Jordan - Commercial vehicles (over 1.5-ton capacity) not permitted to be parked outside in residential districts. One commercial vehicle may be stored within a garage.
- Lakeville - Commercial vehicles (used for commercial purposes, greater than 8' in height, greater than 22' in length) not allowed in residential districts.
- Lonsdale - "Major" commercial vehicles (more than 19,500 lbs GVWR) not permitted in residential districts. Two "Minor" commercial vehicles (19,500 GVWR or less) may be parked on a residential lot if used as the resident's primary form of transportation to/from the resident's job or associated with a permitted home business.
- New Prague - Does not regulate commercial vehicle parking in residential districts, other than semis.
- Prior Lake - Commercial vehicles (more than 9,000 lbs GVWR or more than 22' in length) not permitted to be parked outside in residential zoning districts. One vehicle may be allowed in connection with an approved home occupation.
- Savage - Commercial vehicles (over 10,000 lbs GVWR or more than 22' in length) are not allowed in residential districts. They currently have an exemption for tow trucks used for emergency response.
- Shakopee - Commercial vehicles (over 1 ton) not allowed in residential zoning districts.

Of the surveyed cities, all include some limitations which are imposed upon commercial vehicle parking in residential zoning districts. The most common means of regulation are gross vehicle weight rating (GVWR) limits and/or dimensions. Three of the thirteen cities surveyed regulate based on vehicle tonnage.

Of the thirteen communities surveyed, New Prague appears to have the most lenient regulations pertaining to commercial vehicle parking, followed by Lonsdale, and then Elko New Market and Farmington. The majority of cities have more restrictive ordinances regarding the parking of commercial vehicles in residential districts than Elko New Market does.

### **Staff Recommendation**

Staff has prepared a revised ordinance amendment which incorporates the specific changes requested by the Planning Commission at the January 4, 2018 meeting. The public hearing on the ordinance amendment has been held and public comments received. If the Planning commission chooses to approve the ordinance as presented, it can be acted on at the March 6<sup>th</sup> Planning Commission meeting, with a recommendation for approval to the City Council.

The Planning Commission did not, however, seem to reach a conclusion or closure regarding the definition of commercial vehicles, or a possible exemption which would permit tow trucks in residential districts. If the Planning Commission would like to change the definition of Class I and Class II commercial vehicles, a new public hearing notice must be published in the newspaper and a new hearing held before the Planning Commission. In this case, staff would also suggest that the Planning Commission view a flatbed tow truck and smaller tow truck in a residential setting, in person to better understand the scale of the vehicles in question and the neighborhood impact.

Staff requests Planning Commission action on the revised Ordinance amendment.

### **City Attorney Comments**

The City Attorney has reviewed the draft ordinance and has no comments or concerns.

Commercial Vehicle Parking 11-8-3 – Proposed Zoning Ordinance Amendment

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March 6, 2018

## **CURRENT ORDINANCE LANGUAGE**

### **11-8-3: COMMERCIAL VEHICLE PARKING:**

- A. Definitions: Commercial vehicle references (including class I and class II) included within this section shall have the meanings provided in section [11-2-2](#) of this title. (Ord. 5, 12-14-2006)
- B. General Requirements: No commercial vehicle or equipment shall be parked (off street or on street) or stored in a residential district except when loading, unloading, or rendering a service. Except for short term parking (48 hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses. (Ord. 5, 12-14-2006; and, 2011 Code)
- C. Parking on Residential Property: **No commercial vehicles may be parked, stored or otherwise located on any residential lot in an area zoned residential within the City. Commercial vehicles may be parked, stored or otherwise located on residential lots within an area zoned commercial,** provided the following requirements are satisfied:
1. Class I Commercial Vehicles:
    - a. Class I commercial vehicles, as defined by section [11-2-2](#) of this title, may be parked or stored on a residential lot with a minimum lot size of two and one-half (2<sup>1</sup>/<sub>2</sub>) acres. The commercial vehicle shall be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit.
    - b. Class I commercial vehicles that do not meet the requirements of subsection C(1)(a) of this section may be parked or stored on a residential lot, provided the commercial vehicle is used as the resident's primary form of transportation to the resident's job or is associated with a permitted home business and the commercial vehicle was parked or stored on the residential lot on or before the effective date hereof. Class I commercial vehicles may be replaced with a comparable vehicle if the applicant resides on the same residential lot and has an updated administrative permit. An administrative permit shall terminate upon the sale of the property.
    - c. The owner of a residential lot that meets the requirements of subsections C1a and C1b of this section shall be required to apply for and receive an administrative permit allowing the class I commercial vehicle to remain parked or stored on the residential lot. The administrative permit issued pursuant to this subsection C1c may be revoked for any violation of this code. The administrative permit shall be renewed annually and is not transferable.
    - d. The administrative permit shall be renewed on an annual basis and may be revoked or declined by the city. The administrative permit shall be issued pursuant to the terms of section [11-3-4](#) of this title. Administrative permit fees shall be determined by the city council.
    - e. Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.
  2. Class II Commercial Vehicles: Class II commercial vehicles may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.
- D. Contracting and Excavating Equipment: All contracting and excavating equipment located on residential lots shall be stored inside an accessory building or garage. (Ord. 5, 12-14-2006)

# SUGGESTED ORDINANCE AMENDMENT LANGUAGE

## (March 6, 2018)

### 11-2-2-DEFINITIONS:

COMMERCIAL VEHICLE: Any vehicle used for commercial purposes including, but not limited to: trailers, motorized wheeled or tracked vehicles or vehicles displaying company signage, company logos, commercial equipment, fixtures or tools.

Class I: Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight, including, but not limited to: semitrailers, the tractor portion of semitrucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

Class II: All vehicles other than Class I commercial vehicles including pickup trucks, vans, trailers and school buses designed to carry twenty (20) persons or less. Class II vehicles shall also be eight feet (8') in height or under, a maximum of twenty-four feet (24') in length and no more than eighteen thousand (18,000) pounds.

### 11-8-3: COMMERCIAL VEHICLE PARKING:

A. Definitions: Commercial vehicle references (including class I and class II) included within this section shall have the meanings provided in section [11-2-2](#) of this title. (Ord. 5, 12-14-2006)

~~B. General Requirements: No commercial vehicle or equipment shall be parked (off street or on street) or stored in a residential district except when loading, unloading, or rendering a service. Except for short term parking (48 hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses. (Ord. 5, 12-14-2006; and 2011 Code)~~

C. Parking on Residential Property: ~~No commercial vehicles may be parked, stored or otherwise located on any residential lot in an area zoned residential within the City. Commercial vehicles may be parked, stored or otherwise located on residential lots within an area zoned commercial, provided the following requirements are satisfied: Commercial vehicles shall not be parked, stored or otherwise located on residential property or in residential zoning districts unless the following conditions are satisfied:~~

1. Class I Commercial Vehicles:

a. Class I commercial vehicles, as defined by section [11-2-2](#) of this title, may be parked or stored on a residential lot with a minimum lot size of two and one-half (2<sup>1</sup>/<sub>2</sub>) acres. The commercial vehicle shall be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A Class I commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit.

b. Class I commercial vehicles that ~~may not be parked on a residential lot under~~ do not meet the requirements of subsection C(1)(a) of this section may be parked or stored on a residential lot, provided the commercial vehicle is used as the resident's primary form of transportation to the resident's job or is associated with a permitted home business, and the commercial vehicle was parked or stored on the residential lot on or before ~~12-14-2006, the effective date hereof.~~ Class I commercial vehicles may be replaced with a comparable vehicle if the applicant resides on the same residential lot. ~~and has an updated administrative permit. An administrative permit shall terminate upon the sale of the property.~~

~~c. The owner of a residential lot that meets the requirements of subsections C(1)(a) and or C(1)(b) of this section shall be required to apply for and receive an administrative permit allowing the Class I commercial vehicle to remain parked or stored on the residential lot. The administrative permit issued pursuant to this subsection ~~It~~ may be revoked for any violation of this code. ~~The administrative permit shall be renewed annually and is not transferable. The administrative permit shall be issued pursuant to the terms of Section 11-3-4 of the City Code. Administrative permit fees shall be determined by the City Council. Should a Class I commercial vehicle permitted under this section be replaced with a comparable vehicle, the applicant shall register the new vehicle with the City.~~~~

~~d. The administrative permit shall be renewed on an annual basis and may be revoked or declined by the city. The administrative permit shall be issued pursuant to the terms of section 11-3-4 of this title. Administrative permit fees shall be determined by the city council.~~

~~e. d. Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.~~

~~e. No more than one Class I commercial vehicle may be parked on a residential lot and permitted under this Section.~~

~~2. Class II Commercial Vehicles: Class II commercial vehicles may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.~~

~~2. Class II Commercial Vehicles:~~

~~a. Class II commercial vehicles, as defined by section 11-2-2 of this title, may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.~~

~~b. No more than two Class II commercial vehicles may be parked on a residential lot.~~

~~D. Parking in Commercial Zoning Districts: Class I and Class II commercial vehicles may be parked in commercial zoning districts subject to requirements of Chapter 9 and Chapter 26 of this title.~~

~~E. Parking in Industrial Zoning Districts: Class I and Class II commercial vehicles may be parked in industrial zoning districts subject to requirements of Chapter 9 and Chapter 27 of this title.~~

~~D E. Contracting and Excavating Equipment: All contracting and excavating equipment located on residential lots shall be stored inside an accessory building or garage. (Ord. 5, 12-14-2006)~~

## TOW TRUCK EXAMPLES



Truck 35.  
2015 Dodge 5500 (I) plate 21,000 GVW



Truck 29  
2005 Chev 5500 (H) plate 18,000 GVW



Truck 25  
2001 Chev 6500 (H) plate 18,000 GVW



Truck 32  
2012 Ford F650 (J) plate 26,000 GVW



Truck 33  
Freightliner M2 (J) plate 26,000 GVW



Truck 34  
Freightliner M2 (J) plate 26,000 GVW

The above photos were supplied by Marek Towing. Note from Kevin Marek: "As the pictures above show these are not large box trucks or semi-trucks. The trucks do not go home loaded or store cars at the residence; they are only the empty truck as pictured above. As you can tell we have late model equipment and take pride in their appearance."

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS  
REGULATION SURVEY**

City	Summary	Code Reference #1	Code Reference #2	Notes
<b>Apple Valley</b>	Commercial vehicles (defined as over 1 ton) are not allowed in residential zoning districts.	Zoning Code (section 155.373) - Zoning districts where the primary use is single-family residences may have a maximum of four passenger vehicles, in addition to any permitted motorcycles, recreational vehicles or trailers, parked or stored outside the residence for the occupants of that property provided all passenger vehicles are parked or stored on the lot as regulated by the city code. <b>NON-PASSENGER VEHICLE.</b> Any motor vehicle measuring eight feet or more in overall height or 22 feet or more in overall length including any ancillary racks, cranes, storage compartments and the like; or any vehicle with a manufacturer's nominal rating carrying capacity of one ton or more, or any vehicles or trailers not customary or incidental to the use or occupancy of residential properties, such as, but not limited to: dump trucks; step vans; cargo trucks; tow trucks; semi-trailer tractors; fire trucks; boom trucks; tank trucks; hearses; and the like.	Traffic Code (Parking Regulations) Section 71.19.B.2 - No commercial motor vehicle in excess of one-ton capacity and no commercial trailer shall be parked or stored in a residential district except when loading, unloading or rendering a service. One commercial vehicle, not over one-ton capacity, may be parked at the residence of the owner or operator of the vehicle. Under no circumstances shall parking facilities accessory to residential structures be used for open air storage of commercial vehicles	
<b>Belle Plaine</b>	Does not allow parking of vehicles over 9,000 pounds gross weight in any residential zoning district, unless stored within a garage.	No person shall allow a semi-trailer, whether or not attached to a truck-tractor to stand or be parked on any residential street in the City at any time, or in any public parking lot except in an emergency in order to change tractors. Nor shall any person allow any commercial vehicle over 9,000 pounds gross weight to be parked on any street adjacent to property zoned residential or on any private property zoned residential unless enclosed in a suitable enclosure, except when utilized for excavation or construction on the property.	Residential Area Parking. On and off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one (1) truck not to exceed gross capacity of nine thousand (9,000) pounds; and recreational vehicles and equipment. Under no circumstances, shall require parking facilities accessory to residential structures be used for the storage of commercial vehicles used on-site or equipment, or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.	
<b>Bloomington</b>	The parking of commercial vehicles which are greater than eight feet in height or 22 feet in length are prohibited in residential zoning districts except per listed exceptions.	<p>Zoning Code Parking Standards (Section 21.301.06(m)(2))</p> <p>(ii) <i>Type III motor vehicles.</i> Type III vehicles must not be parked or stored in a residential district or in the public right-of-way immediately abutting any residential district, except as provided under subsection (m)(4) of this section.</p> <p>(iii) <i>Non-residential motor vehicles.</i> Non-residential vehicles must not be parked or stored in a residential district or in the public right-of-way immediately abutting any residential district, except as provided under subsection (m)(4) of this section.</p> <p>Definition of <i>Type III Motor Vehicle</i>:</p> <p>A vehicle that is:</p> <ol style="list-style-type: none"> <li>1. Greater than eight feet in height; or</li> <li>2. Greater than 22 feet in length.</li> </ol>	<p><i>Exceptions.</i> The parking and storage limitations and requirements of this section are subject to the following exceptions:</p> <p>(A) Vehicles and trailers otherwise prohibited from being parked or stored under this section may be temporarily parked on or in front of a residential lot while being loaded or unloaded or while rendering a service at that location.</p> <p>(B) Vehicles and trailers otherwise restricted by this section may be parked on a residential lot when the lawful principal use of the lot under the Zoning Code is other than residential and the vehicle and/or trailer is directly related to that lawful use.</p> <p>(C) Vehicles designed for accommodating the needs of a person with disabilities are allowed to exceed the Type I or Type II height limits set in this section, provided that the vehicle displays a disability license plate or disability parking sticker issued by the state.</p> <p>(D) Vehicles and trailers otherwise prohibited from being parked or stored under this section may be temporarily parked on weekdays between 11:00 a.m. and 1:00 p.m. Such parking must occur off the public right-of-way and on the premises owned or occupied by the driver of the vehicle.</p> <p>(E) Trailers that are recreational vehicles as defined by § <a href="#">19.50.03</a> may be parked or stored on a site if properly parked or stored in accordance with said § <a href="#">19.50.03</a>.</p>	

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS  
REGULATION SURVEY**

<b>City</b>	<b>Summary</b>	<b>Code Reference #1</b>	<b>Code Reference #2</b>	<b>Notes</b>
<b>Burnsville</b>	Commercial vehicle parking in residential districts is subject to a maximum vehicle length restriction (22 feet) and licensing requirement.	Health Nuisances (Section 7-1-8) Off street parking in R-1, R-1A, R-2 and R-3 Districts shall be limited to: a. The use of persons residing on the premises and their visitors. b. The number of passenger vehicles may not exceed the number that can be garaged and parked off street on driveways. <u>c. One (1) commercially licensed vehicle of twenty-two feet (22') or less in length shall be allowed if used by the resident for transportation to their job on a daily basis.</u>		
<b>Eagan</b>	Off-street commercial vehicle parking regulated by exclusion from list of permitted accessory uses in R-1 Districts and home occupation requirements.	Zoning Code (Section 11.60, Subd. 5) Commercial vehicle storage not listed as a permitted accessory activity in single family residential districts (therefore prohibited) Zoning Code Home Occupation (Section 11.70, Subd. 23) • Home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not change the character thereof. • Evidence of the home occupation shall not be visible from the street.	Truck, Trailer and Commercial Vehicle Parking (Section 9.10) Subd. 2 - It is unlawful to park a semitrailer, truck tractor, or a combination thereof within an area zoned as a residential district, except for the purpose of loading or unloading the same. Subd. 7 - It is unlawful to park any vehicle in excess of 9,000 pounds gross vehicle weight upon any residential street for a continuous period of more than six hours.	
<b>Farmington</b>	Class I commercial vehicles allowed only on lots 2.5 acres in size or greater. Class II commercial vehicles allowed if the primary form of transportation to the resident's job.	Zoning Code (Section 10-6-4.N) Off-Street Parking No commercial vehicles or contracting or excavating equipment may be parked, stored or otherwise located on any residential lot within the city except as provided herein:  Class I Commercial Vehicles:  a) Class I commercial vehicles may be parked or stored on a residential lot with a minimum lot size of two and one-half (2 <sup>1/2</sup> ) acres. The commercial vehicle must be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit.  (b) Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.  Class II Commercial Vehicles: Class II commercial vehicles may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.	Zoning Code (Section 10-2-1) Definitions – Commercial Vehicles  A) Class I: Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight, including, but not limited to: semitrailers, the tractor portion of semi trucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.  (B) Class II: All vehicles other than class I commercial vehicles including pickup trucks, vans, trailers and school buses designed to carry twenty (20) persons or less.	

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS  
REGULATION SURVEY**

<b>City</b>	<b>Summary</b>	<b>Code Reference #1</b>	<b>Code Reference #2</b>	<b>Notes</b>
<b>Jordan</b>	Commercial vehicles not permitted to be parked outside in residential zoning districts. One vehicle, 1.5 ton capacity or less, may be stored within a garage.	Zoning Code. 154.233 - (G) Use of parking facilities. Required off-street parking facilities in a residential district may be utilized only for parking passenger automobiles; however, 1 truck not exceeding 1.5-ton capacity may be parked by the occupant of each dwelling unit on the resident's property inside a building. No required parking facilities or public street in a residential district shall be used for open-air storage of commercial vehicles, customer's vehicles, or vehicles belonging to employees, owners, tenants or customers of business or manufacturing establishments. No required off-street parking facility in a residential district shall be utilized for storage of boats, other recreational vehicles, or any junk, inoperable, or unsightly vehicles or materials.	Parking Regs. 73.10 - It is unlawful for any person owning or driving or in charge of any commercial bus, truck, truck tractor, or tractor trailer combination which has a registered gross vehicle weight in excess of 9,000 pounds or which is 19 feet or more in length to cause, or permit or park, stop or leave the vehicle standing with the motor running on any public: (1) Street; (2) Alley; or (3) Other public property within any residential district. (C) Divisions (A) and (B) above shall not apply to: (1) Any truck being used by a public utility; (2) Any truck being used by a moving company, while it is actually being used to service a residence; (3) Any truck used in conjunction with an authorized construction site, during the period that construction is actually taking place, including non-working days and holidays; (4) A truck or semi-tractor parked in the driveway of a residence for less than 30 minutes with the motor running; or (5) A semi-tractor trailer combination that is legally parked in a zone classified for industrial use so long as its proximity to a residential district does not disturb any members of the public and it is in compliance with the snow removal ordinance.	
<b>Lakeville</b>	Commercial vehicles not allowed in residential districts.	Commercial Vehicles in Residential Districts: No commercial vehicle or equipment shall be parked or stored in a rural or residential district except when loading, unloading, or rendering a service as allowed by subsection 11-19-7.F.4 of this title. (11-19-7.F.4 - Except where specifically allowed, contracting, excavating equipment, or other commercial vehicles and equipment may not be parked or stored on any property in the city unless it is being used in conjunction with a temporary service benefiting the premises.)	Commercial Vehicle: A vehicle used for commercial purposes either greater than eight feet (8') in height or greater than twenty two feet (22') in length, including, but not limited to: boom trucks, cargo trucks, dump trucks, farm implements, firetrucks, ambulances, limousines, hearses, semi-tractor trailers, tank trucks and tow trucks.	Tow trucks specifically referenced in definition of "commercial vehicle."
<b>Lonsdale</b>	"Major" commercial vehicles are not permitted in residential zoning districts. "Minor" commercial vehicles (2) may be parked on a residential lot if used as the resident's primary form of transportation to/from the resident's job or associated with a permitted home business.	Zoning Code. 91.06 (A) - Commercial vehicles in excess of 10,001 pounds gross vehicle weight are prohibited on city streets for more than 6 hours. 91.07 (3) - No more than four vehicles per dwelling unit may be parked or stored anywhere outside on a residential property.  153.077 (H) - No major commercial vehicles or equipment may be parked, stored, or otherwise located on any residential lot/parcel within an area zoned as residential except short term loading/unloading, emergency situations, or by special permit. Minor commercial vehicles may be parked on a residential lot/parcel if used as the resident's primary form of transportation to/from the resident's job or associated with a permitted home business.  153.077(C) No more than two commercial vehicles are allowed on a residential property.	Commercial Vehicle - Major. Any commercial vehicle and/or associated trailer which: 1)exceeds a gross vehicle weight rating of 19,500 lbs., 2) exceeds 24' in length, or 3) any of the following types of vehicles regardless of weight/length, including, but not limited to: semitrailers, tractor portions of semi trucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses designed to carry more than 20 persons, or any other similar vehicle. Commercial Vehicle - Minor. All commercial vehicles other than major commercial vehicles including pickup trucks, vans, trailers, and school buses designed to carry 20 persons or less. Said commercial vehicles shall also be 8' in height or less, a maximum of 24' in length, and no more than 19,500 lbs.	
<b>New Prague</b>	Does not regulate commercial vehicle parking in residential districts, other than semi-tractors.	No person shall park a semi-tractor or trailer in any area of the city unless it is zoned B-1, B-2, B-3 or I-1.		

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS  
REGULATION SURVEY**

<b>City</b>	<b>Summary</b>	<b>Code Reference #1</b>	<b>Code Reference #2</b>	<b>Notes</b>
<b>Prior Lake</b>	Commercial vehicles not permitted to be parked outside in residential zoning districts. One commercial vehicle not to exceed 9,000 pounds is permitted in a single family residential district, only in conjunction with a permitted home occupation.	Zoning Code. 1107.203. Required off-street parking facilities in an "R" Use District may be utilized only for parking passenger automobiles, except that 1 truck not exceeding 1.5-ton capacity may be parked inside a building on the resident's property by the occupant of each dwelling unit. No required parking facilities or public right-of-ways in any "R" Use District shall be used for open-air storage of commercial vehicles, customer's vehicles, or vehicles belonging to employees, owners, tenants or customers of business or manufacturing establishments.	Zoning Code. 1102.404 - Home occupations are permitted accessory uses in the R1 district if a permit has been issued and the use is in compliance with all of the following conditions: a) all materials or equipment shall be stored within an enclosed structure; b) operation of the home occupation is not apparent from the public right-of-way or any lake, except for parking of 1 vehicle not to exceed 9,000 pounds gross vehicle weight.	City Code/Traffic Code. 901.209 - It shall be unlawful for any person to park any commercial motor vehicle or trailer on any residential street or within any right-of-way in the City, except temporarily while loading, unloading, or rendering a service.
<b>Savage</b>	Commercial vehicles more than 22' in length or over 10,000 pounds gross weight capacity are not allowed in residential districts, except that one tow/utility truck used for emergency response may be allowed.  (Staff is proposing amendment to remove provision for emergency response vehicle.)	Zoning Code. 152.494. (B) No commercial motor vehicle that is 22 feet or more in length or over 10,000 pounds gross weight capacity, no semi-trailer, truck tractor or combination thereof, and not commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading or rendering a service. Under no circumstances shall parking facilities accessory to residential structures be used for open storage/parking of commercial vehicles nor for open parking of automobiles belonging to the employees, owner, tenant or customers of business or manufacturing establishments, except that tow trucks utility trucks or similar vehicles may be parked at a private residence for the purpose of emergency preparedness, but only for the period of time in which the resident operator is on call. In all cases, no more than one permitted commercial vehicle shall be parked on a residential lot at any given time. - The number of passenger automobiles or permitted commercial vehicles, as set forth by (B) above, parked at a residence may not exceed the number than can be garaged and parked within permitted off-street parking spaces. Those vehicles parked on the driveway that are not garaged must be currently licensed, operable and in good repair. In cases of permitted two-family dwellings, the same shall apply.		Note From City Planning Department Staff: "You can pass on that we had complaints about a tow truck driver bringing the vehicle home every night because he owned the business but lost his commercial space in Burnsville. He claimed he was on call every night and there was nothing the City could do. We tried pushing that he did not have a contract with a police department or the like so he was technically not on call for the purpose of "emergency preparedness" but our attorney didn't think our enforcement actions would hold up in court. He ended up losing his house so the problem went away." Noted that they may consider amending code in future.

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS  
REGULATION SURVEY**

<b>City</b>	<b>Summary</b>	<b>Code Reference #1</b>	<b>Code Reference #2</b>	<b>Notes</b>
<b>Shakopee</b>	Commercial vehicles (defined as over 1 ton) are not allowed in residential zoning districts.	Zoning code. Use. Off-street parking facilities in an Rural Residential (RR), Low-Density Residential (R-1A), Urban Residential (R-1B), Old Shakopee Residential (R-1C), Medium-Density (R-2), or Multiple-Family Residential (R-3) Zone, shall be used solely for the parking of personal vehicles.	Traffic Regulations - 71.10 TRUCK PARKING. - (A) Public property. It is unlawful to park a detached semi-trailer upon any street, municipally-owned parking lot, or other public property. (B) Residential district. It is unlawful to park a semi-trailer, whether or not attached to a truck-tractor, within an area zoned as a residential district, except for the purpose of loading or unloading the same.	VEHICLE, PERSONAL. Any self-propelled vehicle designed and used for the carrying of not more than 15 persons, including the driver, truck with a rated carrying capacity of 1 ton or less, motorcycle, or motorbike. VEHICLE, COMMERCIAL. Any vehicle other than a personal vehicle or recreational vehicle.



601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** WARREN BARSNESS, DALE RUNKLE, JOEL COOPER  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**SUBJECT:** SKETCH PLAN REVIEW OF PROPOSED REZONING FROM B1 TO PUD, AND PRELIMINARY PLAT APPROVAL OF BARSNESS 1<sup>ST</sup> ADDITION, CONSISTING OF 3 LOTS ON 10 GROSS ACRES.  
**DATE:** FEBRUARY 27, 2018

PLANNING COMMISSION MEETING: MARCH 6, 2018

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CITY COUNCIL MEETING: MARCH 8, 2018 (TENTATIVE)

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60-DAY REVIEW DEADLINE: APRIL 10, 2018

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120-DAY REVIEW DEADLINE: JUNE 9, 2018

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### **Background / History**

The City has been working with Warren Barsness regarding a possible commercial development located at the southeast quadrant of Co Rd 2 and Co Rd 91 for a number of years. City staff had received concept plan drawings during July of 2016 and provided staff level comments to Mr. Barsness and his development team at that time. (Preliminary comments supplied to Mr. Barsness in August of 2016 are attached.) Mr. Barsness has now submitted an application for Sketch Plan review of a proposed Planned Unit Development. A Sketch Plan review of the PUD is being required to seek Planning Commission input on the project.

Submitted for City review on January 4, 2018 was an 8-page civil plan set prepared by James R. Hill, a 4-page plan set prepared by Appro Development, and a concept image. The plan sets contained the following sheets:

- Title Sheet – 12/29/17
- Existing Conditions Drawing - 12/29/17
- Preliminary Plat Drawing – 12/27/17
- Preliminary Erosion & Sediment Control Plan – 12/29/17
- Preliminary Grading & Drainage Plan – 12/29/17
- Preliminary Utility Plan – 12/29/17
- Preliminary Paving & Dimensional Plan – 12/29/17
- Detail Plates – 12/29/17
- Landscaping Plan 12/22/17
- Lighting Plan – 12/11/17
- Concept Floor Plan 11/29/17
- Concept Elevations / Building Renderings 11/29/17

Sketch Plan Review of Proposed PUD Zoning & Preliminary Plat, Barsness 1<sup>st</sup> Addition  
3/6/18

- Concept Building & Site image – 12/13/17

The information submitted indicates that the developer will be applying to rezone the property from B-1, Neighborhood Business, to Planned Unit Development to allow for a commercial development containing a combination gas station and grocery/convenience store containing approximately 7,956 square feet, a 1,920 square foot car-wash containing two drive-through bays, and an attached 2-story speculative office, retail and storage building containing approximately 19,248 square feet. Also proposed is a plat containing three lots, Barsness 1<sup>st</sup> Addition.

### **Legal Description**

The property proposed for development consists of a ten-acre parcel currently described by metes and bounds, as follows:

The West 660.00 feet of the North 660.00 feet of the Northwest Quarter of Section 27, Township 113, Range 21, Scott County, Minnesota; subject to road easements over the west 33.00 feet and the North 33.0 feet thereof. (Parcel ID 23-927006-2)

The property will need to be platted prior to development. The applicant is proposing to plat the property into three separate lots.

### **Neighborhood Conditions**

To the north of the property is undeveloped farm land. To the east is a large DNR protected wetland area, and the post office and racetrack beyond the wetland. To the south is undeveloped property. To the west is a vacant lot and single family residential development. The proposed development seems generally compatible with the surrounding land uses.

### **Comprehensive Land Use Plan**

The City's 2030 Comprehensive Land Use Plan guides the property to a "Town Center" land use designation. The comprehensive plan contains the following language regarding Town Center:

*"This classification is a special designation for the recognized traditional Town Centers which have retained attributes of a "downtown" and provide a sense of place based on historic nature and character elements, which include awnings, street lighting, signage, etc. This classification strives to balance the civic center and contemporary commercial features with new cultural focused institutions and enterprises, and redevelopment potential of retail and service uses. The Town Center may be characterized as a service hub with limited retail shopping convenience. Pedestrian circulation within, as well as to the area will be a distinguishing feature. New development can provide for limited residential uses, excluding single family detached dwellings, and can be integrated with the commercial and service environment. Convalescent care facilities and congregate senior citizen housing are appropriate uses at selected locations."*

The proposed use of the property meets the intent of the guided land use for the area. Based on the above description, design features of a traditional downtown should be incorporated into the site and building façade. Pedestrian circulation to and within the site will be an important design element.

### **Zoning**

The property is currently located in the City limits and zoned Neighborhood Business District (B1). The purpose of the B1 district is to provide for the establishment of local centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished.

Motor fuel stations, commercial car washes, professional and commercial offices are allowed in the B1 district with an approved conditional use permit. Numerous retail uses are also listed as permitted uses within the district, as well as restaurants within a building having another principal use.

The applicant is proposing to rezone the property to Planned Unit Development (PUD), to allow for a variety of commercial uses on the property, including a gas station, car wash, convenience grocery store, and various retail and office uses, storage, and also to allow for some design flexibility within the site. Staff requests additional information/description regarding the proposed/requested “storage” use. Staff also suggests that the applicant consider including “restaurants” as an allowable use, due to the possibility of a stand-alone or fast food restaurant locating on the site.

The purpose of a PUD district is to provide standards which allow flexibility in the development of neighborhoods that would not be possible under a conventional zoning district, and in exchange, providing improved site design. The intent of a PUD as stated in the City’s Code is to:

- A. Provide for the establishment of PUD (planned unit development) zoning districts in appropriate settings and situations to create or maintain a development pattern that complies with the city comprehensive plan.
- B. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this title.
- C. Provide for variations to the strict application of the land use regulations in this title in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the city's standards to offset the effect of any variations.
- D. Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the city.
- E. Preserve and enhance natural features and open spaces.
- F. Maintain or improve the efficiency of public streets and utilities.
- G. Ensure the establishment of appropriate transitions between differing land uses.

The City’s Code requires that standards of the most closely related conventional zoning district be considered for various code requirements. The B1 Neighborhood Business District standards will be used in evaluating the development.

To demonstrate how the proposed development will meet the (above) intended goals of the PUD, the developer must identify how the development will exceed the City’s minimum design standards. At this point the developer has not submitted a letter explaining how the proposed development will exceed City design requirements to offset the effect of variations to required design standards. A letter should be required as part of the Development Stage PUD application.

The following table contains a summary of the variances identified by staff and currently depicted on the plans, and being sought as part of the current PUD request. These items are further reviewed and explained throughout this report.

	ENM B-1 District	Barsness 1 <sup>st</sup> Addition
Front Setback	65'	53' for building on Lot 3 (as depicted on site plan)
Rear Setback	30'	(The proposed rear setback can only be determined after the plan is amended to show the wetlands and stormwater ponds contained in outlots)
Side Setback	20'	12' (as depicted on site plan)
Wetland Setback	35'	10' for building on Lot 2 (as depicted on site plan) 30' for the building on Lot 3 (as depicted on site plan)
Wetland Buffer Width	30' average, 25' minimum	(must provide average), 0' minimum
Stormwater Pond Setback	35'	10' for building on Lot 3 (as depicted on site plan)
Building materials (11-26A-4)	Exterior wall treatments for motor fuel stations shall be brick, stone, decorative concrete block or stucco.	(Planning Commission input is needed in regards to acceptable exterior building materials / facades for all buildings on the site)
Landscaping (11-10-4)	25% of lot area be landscaped	(The applicant must determine percentage of lot area to be landscaped, located outside of the delineated wetlands and stormwater ponds)
Landscaping for Motor Fuel Stations(11-26A-4)	Along road rights-of-way, a 15' wide area shall be landscaped	(Planning Commission input is needed in regards to acceptable width of landscaped area; 5' is being proposed by the developer)
Easement Width (12-9-6)	10'	(Planning Commission input is needed in terms of easement widths; 5' proposed by developer)
Trail Construction	Trail constructed by developer	(Planning Commission input is needed in terms of requiring a trail adjacent to subject property; the developer is proposing the trail be constructed by others)
Car Wash Vehicle Stacking	Minimum of 4 spaces per wash bay	(Planning Commission input needed, 2 stacking spaces proposed)
Off Street Loading (11-9-11)	1 space required (10' x 25')	(Planning Commission input is needed; no off-street loading spaces were identified on the plan)

### Lot Size

The gross area of the property is 10 acres. The minimum lot size in the B1 district is 20,000 square feet. Three lots are being proposed, as follows:

- Lot 1 - 2.31 Acres
- Lot 2 – 2.30 Acres
- Lot 3 – 3.41 Acres

All lots, as currently proposed, meet the minimum lot size requirement for the B1 zoning district. The City Code requires that stormwater ponds and wetlands be contained in outlots and dedicated to the City. The current plan does not depict the stormwater ponds and wetlands on outlots. A plan revision to address this requirements will affect the proposed lot sizes.

### **Lot Access**

All proposed lots front on a public street as required by the City's Subdivision Ordinance. For commercial / industrial lots that front on an arterial roadway or major collector, the Subdivision Ordinance states that Lots shall be designed to minimize the number of access points onto the roads by using access from a local road, a frontage road, frontage driveways with cross easements serving multiple properties, or shared driveways. The development has been designed to meet this requirement; **cross access easements will be needed to ensure perpetual access to Lot 1.**

### **Setbacks**

The required property line structure setbacks in the B1 zoning district are 65' from minor arterial roadways (both Co Rd 2 & Co Rd 91), 20' from a side property line and 30' from a rear property line. There is also a required 35' building setback to wetlands and stormwater ponds.

- Lot 1 – Proposed building does not meet the 20' side setback requirement; it is approximately 12' from the side property line.
- Lot 2 – Proposed building meets lot line setback requirements but does not meet the required 35' wetland setback; it is approximately 10' from the wetland.
- Lot 3 – Building is proposed at +/- 53' from CSAH 2 right-of-way; the requirement is 65'. The proposed building does not meet the required 35' stormwater pond setback; it is approximately 10' from the pond HWL. The building appears to be approximately 30' from the wetland boundary as opposed to the required 35'.

**If the Planning Commission is supportive of the setback deviations, it can be noted through the PUD approval process.**

**The motor fuel station canopy must be setback 30' from the right-of-way; the exact location of the canopy has not been provided.**

### **Height Requirements**

Structures shall not exceed 35' in height in the B1 zoning district. The fuel island canopy shall be not less than 14' and not more than 18' in height. The proposed building height and canopy height have not been noted on the plans. Based on the Concept Elevations (drawing) it appears that the gas station portion of the building on Lot 1 is approximately 22' in height and the office/retail portion of the building is approximately 34' in height. The design appears to meet City Code requirements.

### **(Building) Design Requirements – Chapter 5 & 26**

Title 11-5-1-A-4(b) identifies allowable exterior building materials for commercial zoning districts. Acceptable materials include brick, concrete composite board, stone, precast concrete panels, rock face concrete block, wood, glass curtain wall panels, stucco or EIFS, steel, aluminum or fiber cement siding.

In addition to the above requirements, Title 11-26A-4 of the city code contains architectural requirements specific to motor fuel stations, as follows:

1. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.
2. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.
3. Exterior wall treatments such as brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

Renderings for only the building on proposed Lot 1 have been submitted; renderings have not been submitted for buildings on proposed Lots 2 and 3. The proposed building materials for the buildings on proposed Lot 1 have not been submitted; based on the architectural renderings it appears the gas station building, car wash, and attached multi-use building may be proposed as concrete tilt up panels. The front building facades are broken up with varied roof lines and canopies.

From the limited information provided about the motor fuel station building on proposed Lot 1, staff does not feel the building meets the requirements of Title 11-26A-4 (3) above. Because the proposed building will be a “gateway” to the City’s downtown and located at a high-traffic volume intersection, staff does not recommend that the Planning Commission consider a variance from the required design standards pertaining to motor fuel stations. The renderings submitted convey somewhat of an industrial looking building. Staff recommends that, at a minimum, brick and/or stone features be integrated into the building façade of the motor fuel station and adjoining building to meet the requirements of Title 11-26A-4 of the City Code. Staff also suggests that the remaining buildings (the buildings on Lots 2 & 3) be required to have increased design standards as a “trade-off” for the PUD variations. Examples could be:

- The predominant exterior building material for the buildings on proposed Lots 2 & 3 shall consist of brick or stone.
- At least 40% of the front facing façade shall consist of windows.
- The building facades visible from public rights of shall incorporate detail using colors, textures, and varying material treatments to break up the front façade and provide a high degree of aesthetic treatment.



Staff is requesting Planning Commission input regarding the building design / façade / materials for the motor fuel station building and other buildings on the site.

### **Canopy & Pump Island Design**

Below are design requirements for pump-islands and canopies in the B1 zoning district:

1. The edge of the canopy shall be thirty feet (30') or more from the front and/or side lot line; provided, that adequate visibility both on site and off site is maintained.
2. The canopy shall not exceed eighteen feet (18') in height and shall provide fourteen feet (14') of clearance to accommodate a semitrailer truck passing underneath.
3. The canopy fascia shall not exceed three feet (3') in vertical height.
4. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
5. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure; provided, that the individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way.
6. Canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.
7. Pump islands shall comply with the following performance standards:
  - a. Pump islands shall be elevated six inches (6") above the traveled surface of the site.

- b. All pump islands shall be set at least thirty feet (30') back from any property line. Additionally, the setback between the pump islands' curb face shall be at least twenty four feet (24').

Details regarding the proposed pump island canopy have not been provided, other than those shown in the renderings. A review of ten recently constructed gas stations shows that canopies ranged from 26' to 54' in width, but those canopies cover at least two pumps.



It is noted that signage on the canopy is only permitted under the City code in lieu of signage on the building. The developer should submit details regarding the proposed pump island canopy, that meet the requirements of Section 11-26A-4 of the City Code (above).

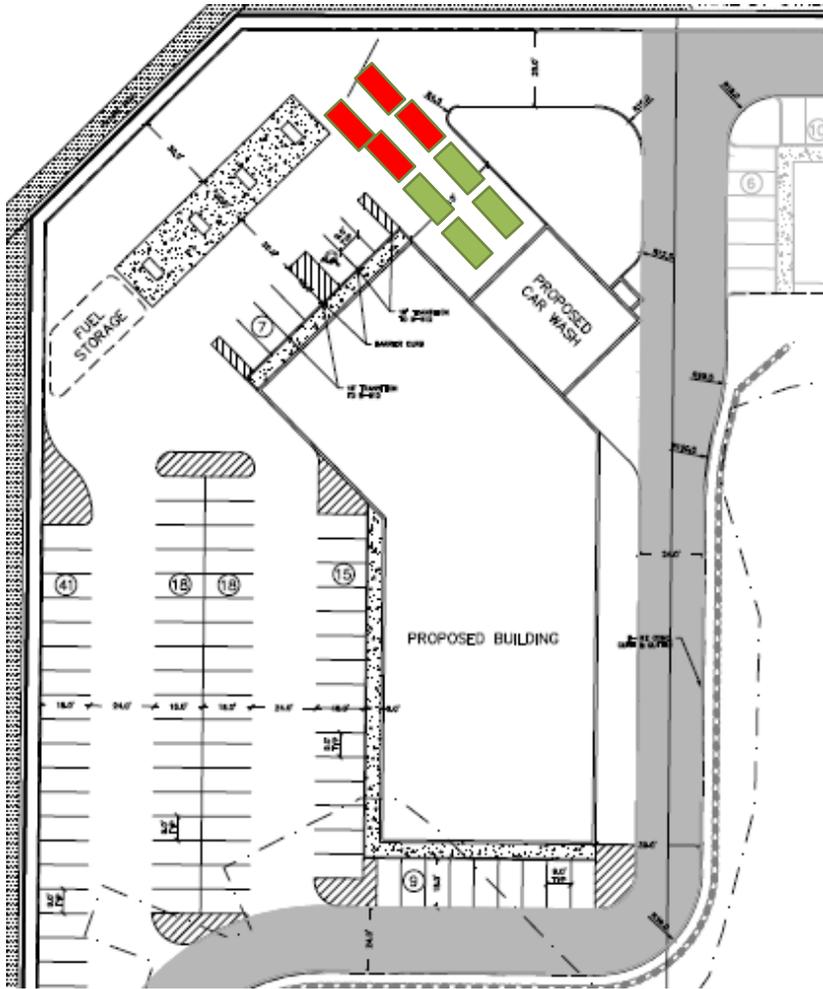
The current plan shows setback between pump islands at 20' rather than the 24' required by City Code. Staff recommends that 24' between islands be considered as a minimum, as many pump islands today are actually designed with 30' between pump islands.

Staff notes that the building renderings shown on the "Concept Elevations" drawing dated 11-29-17 seem to depict space for two vehicles at each fuel pump. The developer has verbally indicated that there would be room for only one pump and vehicle (not double stacked). The site, as currently designed, does NOT accommodate space for two vehicles. The rendering should be revised to accurately depict the single fueling stations.

### **Commercial Car Wash**

Commercial car washes are allowed as a conditional use in the B1 zoning district. Car washes have specific performance standards listed in the City Code. Staff would like to specifically call out the following performance standards:

- The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment of property values or constitute a blighting influence.
- Magazine or stacking space is constructed to accommodate that can be washed during a 30-minute period and shall be subject to the approval of the City Engineer. *(This would require approximately 6 stacking spaces, and conflicts with another section of the City Code which requires 4 spaces.)*
- Parking or car magazine storage space shall be screened from view of abutting residential districts.
- Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.



The landscaping plans depict that vehicles would enter on the northwest side of the building. The adjacent diagram depicts how vehicles would stack with the depicted entry point. Staff believes that the vehicle stacking areas would cause conflicts with traffic flow through the site, particularly in the area of the gas station. Staff's opinion is that all vehicles shown in red on the adjacent drawing would create conflicts with site circulation. Therefore, only two vehicle stacking spaces are being provided that do not interfere with site circulation.

The developer should amend the site design so that the required stacking spaces are provided and clearly identified, and do not create any conflicts with the traffic circulation on the site. Car wash stacking spaces are often designed to stack behind / in back of the buildings.

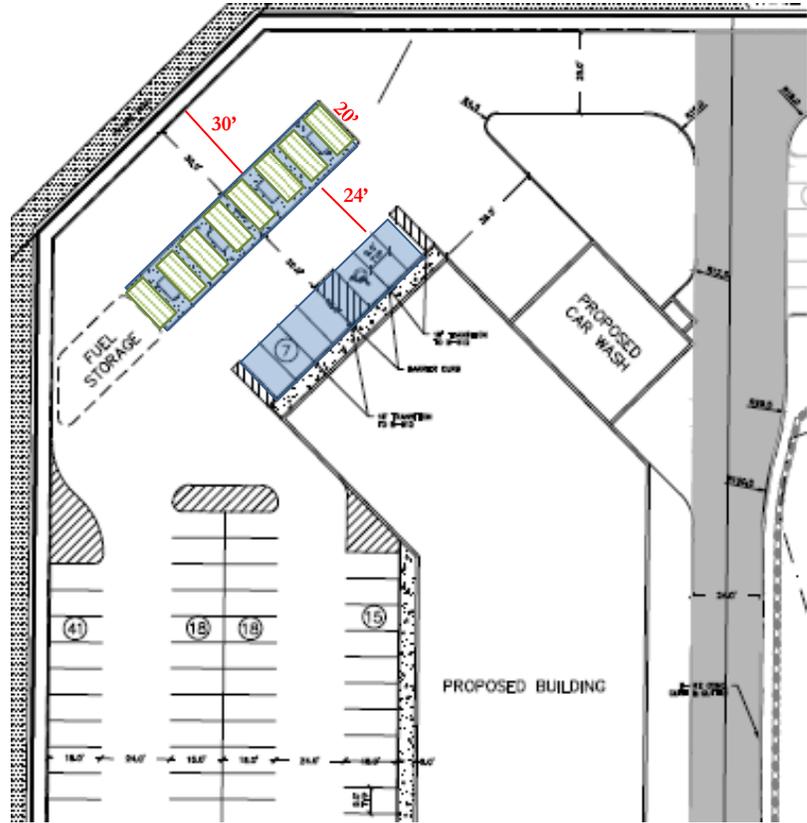
### Drive-Thru

No drive-thru facilities are shown on the current site plan. Should a drive-thru be incorporated into future site plans, not less than 120' of stacking space shall be provided for single service lanes. Drive-thru windows are also to be screened from view of public rights-of-way and residential districts. Drive-thru regulations associated with car washes have separate regulations.

**Gas Station Circulation**

The developer has verbally indicated that there will be only one fueling station at each pump island. With the one proposed fueling station, the plan meets the minimum requirements for circulations. There is a 24’ drive aisle between the parking spaces in front of the building and the fuel pumps. A review of ten other gas stations depict 24’ to 30’ of separation between cars parked at the pumps and parking in front of the buildings

Staff notes that it would be virtually impossible to place two pumps and have the site function without significant conflicts. It is noted that only 20’ has been allowed for parking at the fuel pumps. This adjacent diagram depicts the area where vehicles would be parked if at the pump islands (shown in blue) or parked in front of the building. .



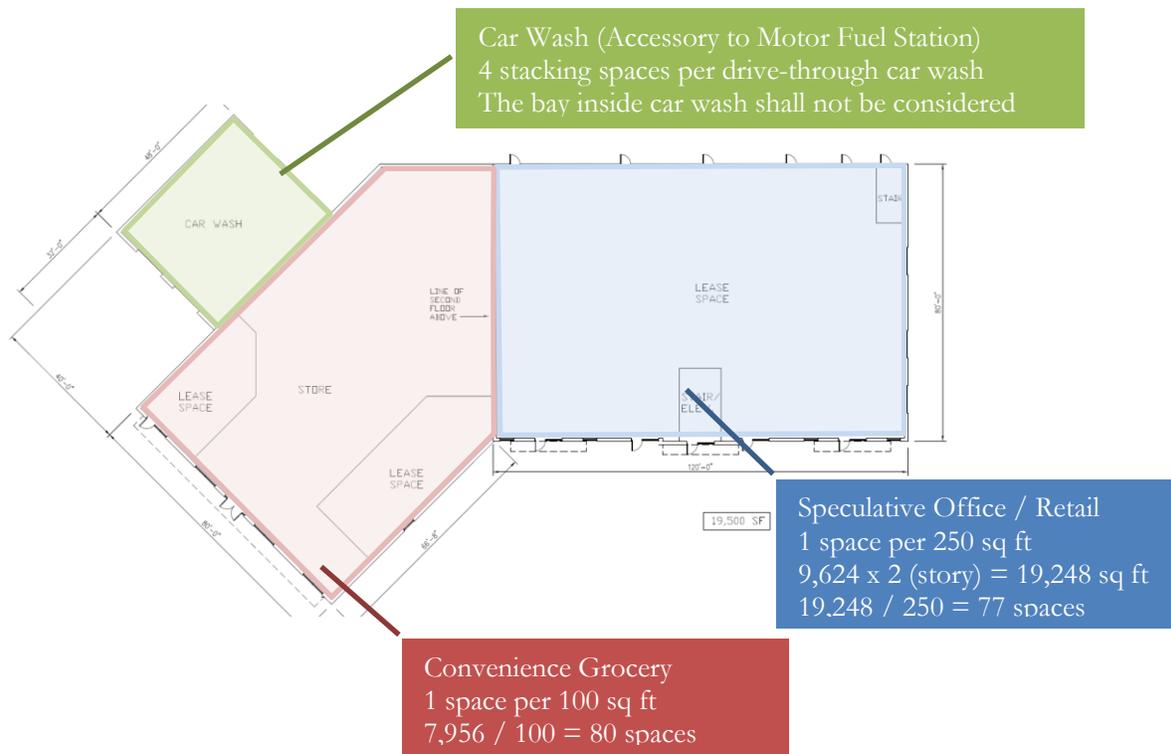
**Off Street Parking – Chapter 9**

Parking requirements can be found in Title 11-9 of the city code. Parking areas must have a concrete curb barrier and be setback 5’ from the property line (and entirely outside of easement areas). Parking stalls must be striped with white or yellow paint not less than 4’ wide. Parking areas shall be surfaced with concrete, bituminous or pavers. Parking stalls shall be a minimum of 9’ x 18’ and drive aisles shall be a minimum of 24’ in width. Based on the engineering plans submitted, the dimensions of the parking lot drive aisles and parking stalls comply with city code, other than the drive aisles around the gas pumps as described in the above section.

The number of parking spaces required is based on the proposed use of the buildings. Section 11-9-3 (I) of the City Code states that, for the purpose of calculating the number of required off street parking spaces, the net usable floor area may be used. Detailed building layouts have not been provided at this point so net usable floor areas could not be determined. Below is a parking analysis based on gross building square footages for uses shown on the concept plan or uses that may be likely to locate on the site.

Proposed Lot 1 - The Concept Floor Plan submitted shows gross floor areas as follows:

Proposed Use	Sq Ft	Parking Requirement	Total Parking Required
Convenience Grocery / Motor Fuel	7,956	1 per 100 sq ft	80
Retail Sales & Multiple Occupancy Retail Service	19,248	1 per 250 sq ft	77
Car Wash (Accessory to Motor Fuel)	1,920	4 stacking spaces per car wash	8 (stacking spaces)
<b>Total Required</b>			157 + 8 stacking
<b>Total Proposed</b>			108 + 16 spaces at pump = 124



Proposed Lot 2 – The concept building on proposed Lot 2 appears to be approximately 4,800 gross square feet. No detail has been provided about this building or proposed uses. Calculating the space as “speculative office / retail” at 1 space per 250 square feet of floor area, 19 spaces would be required; 23 spaces are provided.

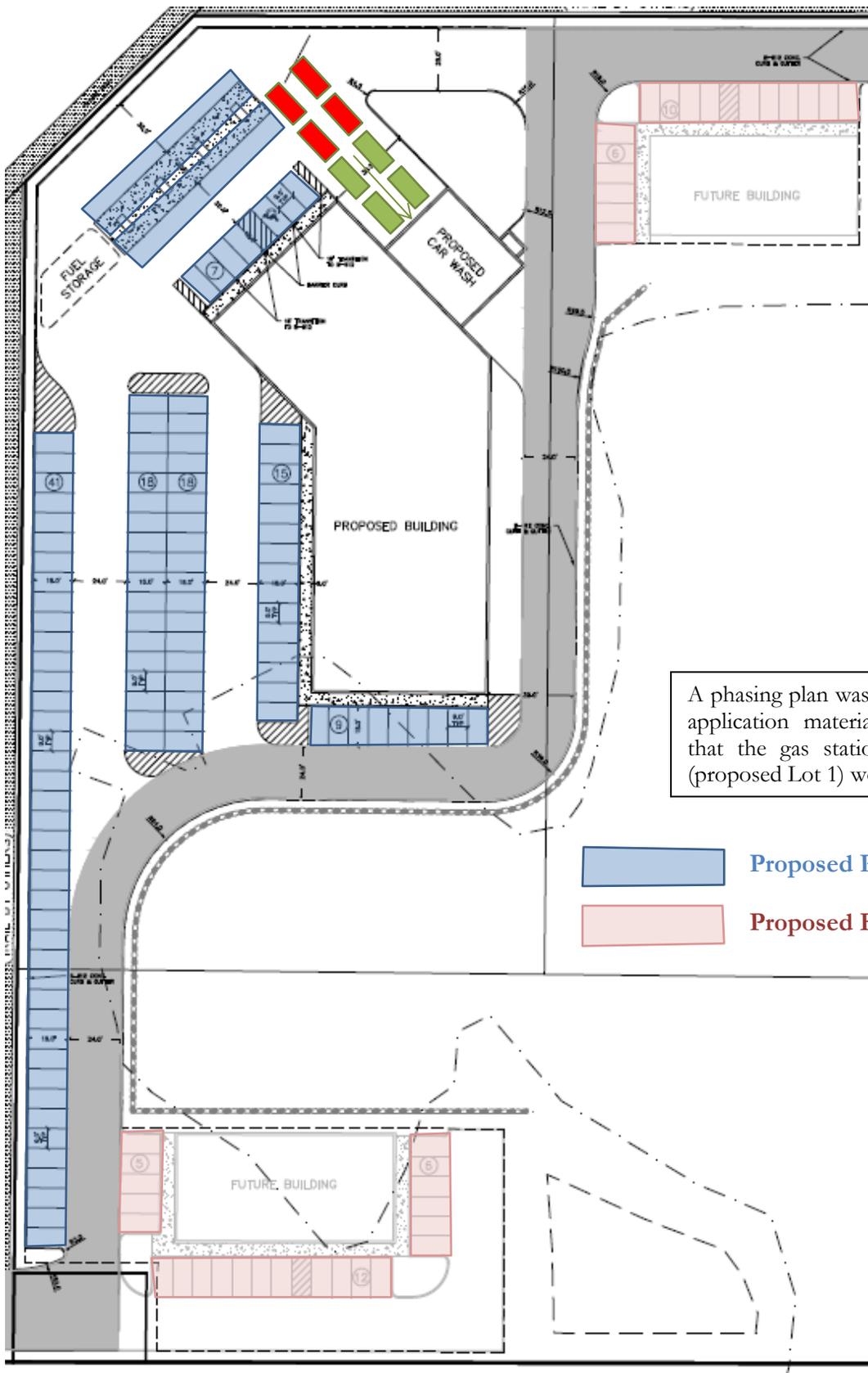
Proposed Lot 3 - The concept building on proposed Lot 2 appears to be approximately 4,136 gross square feet. No detail has been provided about this building or proposed uses. Calculating the space as “speculative office / retail” at 1 space per 250 square feet of floor area, 17 spaces would be required; 16 spaces are provided.

Overall Development Parking

Based on gross building square footages it appears that the site is short approximately 30 parking spaces. The developer has submitted general information indicating that 80% of the building square footage will be considered usable space and therefore the parking requirements should be based on 80% net usable space. In the absence of detailed building layouts which identify the net usable area of the building, staff would support using a percentage for calculating net usable area. Based on the calculations below, the developer is providing 84% of the required parking for the site. Staff supports the number and configuration of parking spaces as proposed. Proposed uses have been estimated at this time.

	Parking Required	Parking Provided	
<b>Lot 1</b>	157 spaces + 8 car wash stacking spaces	108 + 16 at pumps = 124 spaces + 4 car wash stacking	33 spaces short 4 car wash stacking spaces short
<b>Lot 2</b>	19 spaces	23	4 spaces over
<b>Lot 3</b>	17 spaces	16	1 space short
<b>TOTAL</b>	193 + 8 car wash stacking spaces	163	30 spaces short 4 car wash stacking spaces short

The car wash vehicle stacking spaces will conflict with circulation in the gas station area. The conflict could be remedied by redesigning the site.



A phasing plan was not submitted with the application materials. Staff understands that the gas station portion of the site (proposed Lot 1) would be developed first.

- Proposed Phase I Parking = 124**
- Proposed Future Phase Parking**

### **Off Street Loading – Chapter 9**

Section 11-9-11 of the City Code requires that every retail, industrial or manufacturing, or wholesale use having a gross floor area of six thousand square feet or more shall provide off street loading facilities. Off street loading spaces shall be at least 10' x 25', excluding area for maneuvering vehicles.

It is likely that deliveries to the convenience grocery / gas station will be required on a regular basis. **The applicant should identify an off-street loading space as required by City Code.**

### **Truck Circulation within the Site**

**Staff requests that the developer provide truck turning movement templates / diagrams to ensure that there is adequate space within the site for large trucks and fuel suppliers to maneuver.** Staff recommends modeling a WB-62, and that the location of the fuel island canopy be considered during the analysis.

### **Garbage Dumpster – Chapter 4**

Section 11-4-3 of the City Code requires that all dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view. Acceptable methods of screening include enclosures made of wood fencing material, brick, or a combination thereof. Gates and doors which allow access to the refuse containers shall have a latching mechanism which keeps it closed/locked when not in use. **The plan does not depict any areas for garbage dumpsters; future submittals should incorporate a location for a dumpster which meets the requirements of Section 11-4-3 of the City Code.**

### **Landscaping – Chapter 10**

A landscaping plan and planting schedule has been submitted (shown below). The landscaping plan must meet the requirements of Title 11-10 (general landscaping requirements) and Title 11-26A-4 (landscaping requirements for motor fuel stations). Landscaping is not permitted within public rights-of-ways, and is highly discouraged within public drainage and utility easement as these areas are to be reserved for utilities.

Title 11-10-4 of the city code contains the following regulations specific to the B1 zoning district:

1. At least twenty five percent (25%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees. (wetland areas and storm ponds not included in calculation)
2. A minimum landscaped buffer area thirty feet (30') in width shall separate any parking, driveway, or structure from a lot line common with any residential district.
3. All properties abutting residential districts shall provide in-ground irrigation systems to all landscaped areas.
4. All areas disturbed by grading which are not built upon, paved or retained as a natural area shall be sodded and/or landscaped unless specifically approved as part of the overall landscape plan.
5. All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, of good quality, and disease-free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting.

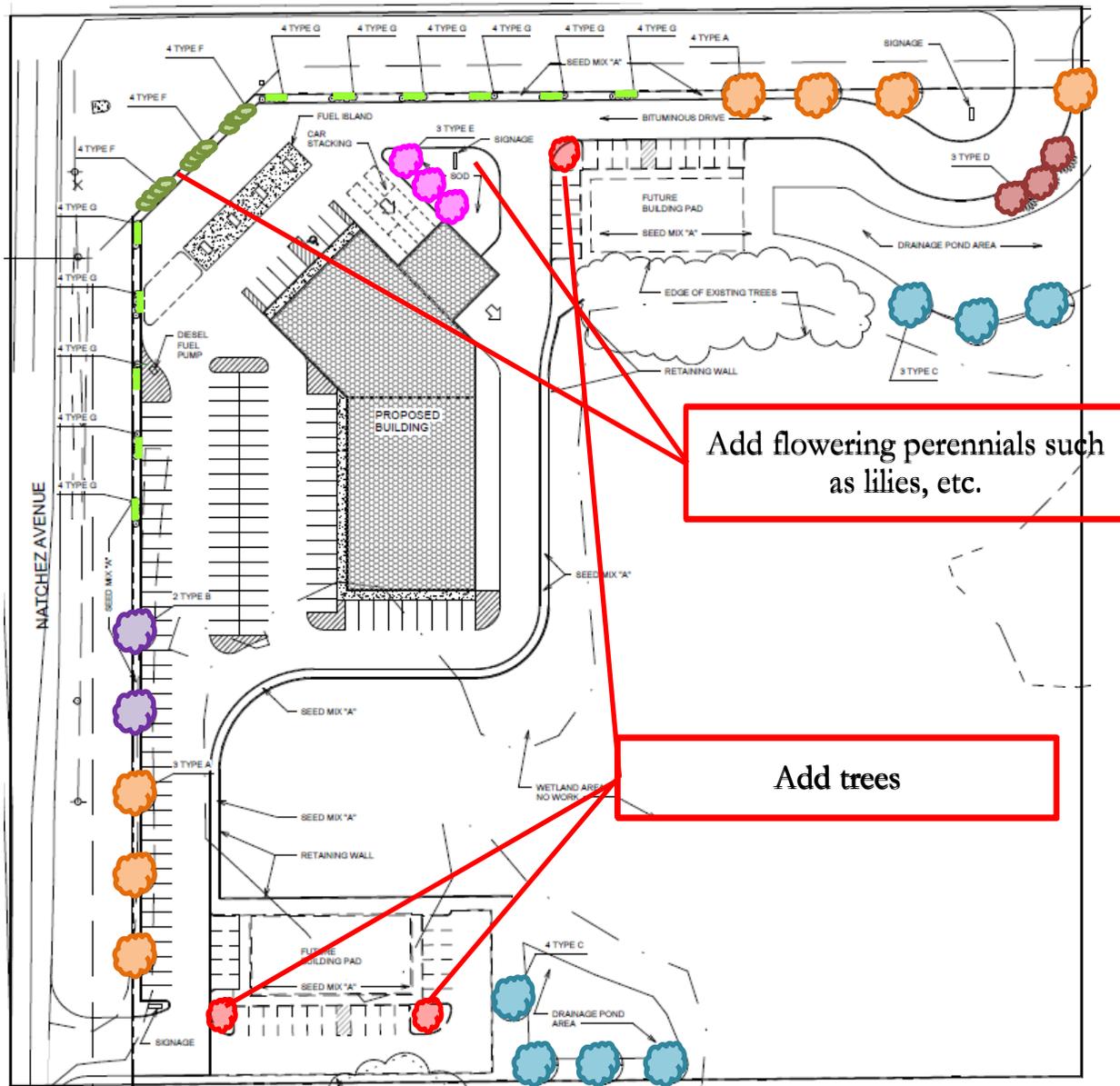
In addition to the above requirements, Title 11-26A-4 of the city code contains landscaping requirements specific to motor fuel stations in the B1 zoning district, as follows:

1. Minimum required green area shall be in accordance with the provisions of chapter 10 of this title (above).
2. At the boundaries of the lot, the following landscape area shall be required:
  - a. From side and rear property lines, an area of not less than ten feet (10') wide shall be landscaped in compliance with chapter 10 of this title.

- b. From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with chapter 10 of this title.
- c. Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in accordance with section 11-5-4 and chapter 10 of this title.
- d. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.



*Proposed plantings / species shown on Landscape Plan submitted by developer*



The landscaping plan does not appear to meet the requirements of Title 11-10-4, which requires 25% of the lot be landscaped. The applicant is applying for a deviation from this requirement. The applicant must calculate the amount of proposed green space located outside of the wetland area to determine the percentage of proposed green space / landscaped area within the site.

The landscape plan does not meet the requirement of Title 11-26A-4 which requires not less than a 15' wide landscaped area adjacent to the road right-of-way. The applicant is proposing only 5' between the proposed exterior curbing and the property line abutting the right-of-way; motor fuel stations specifically require an area of not less than 15' wide.

Staff does not support the deviation from 15' to 5' for two reasons: 1) the Subdivision Ordinance requires a 10' drainage and utility easement along perimeter lot lines and landscaping should not be permitted in the easement area, as the areas are intended to be reserved for utilities, and 2) 5' is a rather narrow area to maintain the number of plantings proposed; trees will be encroaching into the County right-of-way.

General comments regarding the landscaping plan include:

- Some flowering perennials, such as lilies, could be incorporated into the site plan.
- Parking lot islands could be included within the parking lot area, and deciduous trees and perennials could be planted in the parking lot islands to improve site appearance.
- The eight willow trees proposed around the stormwater pond will create maintenance issues for City staff and should be removed from the plan.

Should the Planning Commission support the site plan as submitted, the above drawing shows additional areas for plantings suggested by City staff. Staff also suggests from flowers perennials be added to the landscape plan. If the Planning Commission recommends that the site be redesigned, the landscaping plan should be revised to reflect the new design.

### **Lighting – Chapter 4 & 26**

Title 11-4-7 of the City Code addresses lighting requirements. Exterior lighting shall not exceed .5 foot-candles at the property line when adjoining residential properties, and 1 foot-candle at the property line when adjoining a similar zone and land use.

In addition to the above requirements, Title 11-26A-4 of the city code contains lighting requirements specific to motor fuel stations in the B1 zoning district, as follows:

Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section 11-4-7 of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

1. Canopy Lighting: Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy shall not exceed one hundred fifteen (115) foot-candles at ground level.
2. Illumination: Maximum site illumination shall not exceed limits set forth in section 11-4-7 of this title. (above).

The proposed lighting plan dated 12/11/17 exceeds the allowable foot-candles at the right-of-way line. The lighting plan must be updated to comply with City lighting requirements.

### **Signage – Chapter 12**

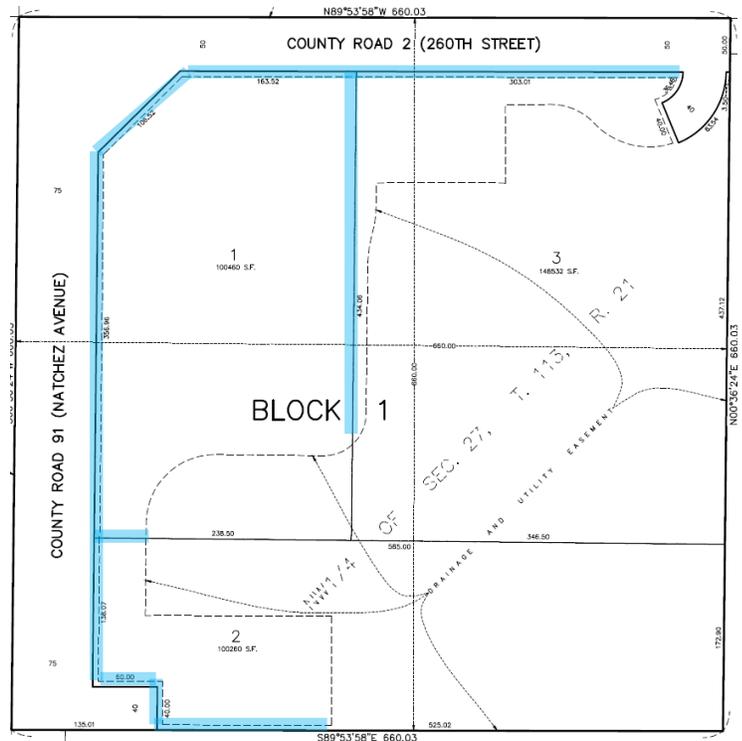
The landscaping plan depicts the location of three signs, one at each entrance and one near the car wash. Because details regarding any proposed signage have not been submitted, staff is not able to determine if any proposed signs meet City code requirements. If a sign plan is not submitted during the PUD process, the property will simply be subject to the sign regulations in Title 11-12 of the City Code, and for the B1 zoning district. Consistent with the objections of the “Town Center” land use designation (which the property is designated as), signage that would be compatible with a historic downtown is encouraged. The Planning Commission may want to consider requiring sign details regarding the PUD approval process.

## Easements

The City's Subdivision Ordinance (Chapter 9-6 (A)) requires that drainage and utility easements shall be provided on all lot lines. At a minimum, these easements shall be 10' wide along all lot lines that abut streets and along all boundaries with land not being developed, and a total of 10' wide on interior property lines.

The preliminary plat drawing submitted depicts only 5' easements along lots lines that abut the street and adjacent properties, and no easements along interior lot lines.

Staff recommends that 10' wide drainage and utility easements shall be shown in the areas depicted in blue on the drawing. It is noted that the perimeter curb line, as shown on the current concept plan, is located only 5' from the property line. The curbing should be moved outside of the drainage and utility easement.



## Access / Roads / Transportation Issues

The proposed development borders two existing roads, both of which are Scott County jurisdictional roadways. Roads, functional classification of the roads, and comments are as follows:

County Road 2 / Main Street, A Minor Arterial Roadway. – The purpose of an A Minor Arterial Roadway is to link urban areas to principal arterials (such as I35) and larger towns. The emphasis of these roadways is mobility as opposed to access. Official traffic volumes on this section of Co Rd 2 are 9,200 vehicles per day (2014) and a draft count indicates 10,400 vehicles per day; volumes are expected to grow to nearly 22,000 vehicles per day upon full build-out of the area identified in the City's Comprehensive Plan. The speed limit is 55 mph. The roadway is under the jurisdiction of Scott County. Comments received from Scott County in a memo dated August 8, 2016 pertaining to Co Rd 2 are as follows:

- The County will permit a right-in/right-out on Co Rd 2. The access on Co Rd 2 requires a right turn lane. (Right turn lane is not shown on current plan submittal.)
- The concept shows a  $\frac{3}{4}$  access on Co Rd 2. The  $\frac{3}{4}$  access would not be permitted. The left turn movement from Co Rd 2 shall be conducted at the Co Rd 2 and Co Rd 91 intersection. (This has been corrected on current plan set.)
- Any access shall be required to be a public street. The public street does not appear to be identified on these plans. (The current plan attempts to address this issue; further City Engineer review of this matter will be required.)
- The minimum right-of-way for minor arterial roadways is 75' from centerline. Additional right-of-way along Co Rd 2 may be needed to provide for the required turn lane and taper. Detailed cross sections in this area showing the turn lane, trail, boulevard, etc. are required. (Additional right-of-way shown as requested by Scott County, but turn lane and associated cross sections have not been provided.)
- Any work within the County right-of-way requires a County permit.

The current concept plan proposes an eastbound right-in, right-out access on Co Rd 2. Scott County has indicated that they will allow the right-in, right-out access on Co Rd 2, but will require an eastbound right turn lane into the site which has not been shown on the current plan set.

Since the time of original comments by Scott County, grant funding for a roundabout at the adjacent intersection has been approved. Staff sees two possible options for design and construction of the turn lanes into the site:

- a) The developer could design and construct the east-bound right turn lane into the site, as required by Scott County.
- b) The east-bound right turn lane into the site could be designed and constructed in conjunction with the proposed roundabout project, with all costs associated with the turn lanes being placed in escrow with the City by the developer. The turn lane will only benefit the subject property and therefore the developer/property owner should bear all costs associated with the proposed turn lane. (This method would need to be approved by Scott County and would require timing coordination.)

It should be noted that the roundabout project is currently scheduled for 2020 construction. Constructing the turn lane with the roundabout project may present some timing issues for the developer.

County Road 91 / Natchez Avenue, B Minor Arterial Roadway. The purpose of a minor arterial roadway is to link urban areas to principal arterials (such as I35) and larger towns. The emphasis of these roadways is mobility as opposed to access. Traffic volumes on this section of Co Rd 91 are approximately 4,050 vehicles per day; and are expected to grow to nearly 11,000 vehicles per day upon full build-out of the area identified in the City's Comprehensive Plan. The speed limit is 55 mph. The roadway is under the jurisdiction of Scott County. Comments received from Scott County in a memo dated August 8, 2016 pertaining to Co Rd 91 are as follows:

- The access on Co Rd 91 would require both a right turn lane and left turn lane. (Right and left turn lanes have not been shown on the current plan submittal.)
- Access shall be required to be a public street. The public street does not appear to be identified on these plans. (The current plan attempts to address this issue; further City Engineer review of this matter will be required.)
- The minimum right-of-way for a minor arterial roadway is 75' from centerline. Detailed cross sections showing the turn lane, trail, boulevard, etc. are required. (Additional right-of-way has been shown as requested by Scott County; cross sections and other required improvements have not been provided for.)

The current concept plan proposes a full movement intersection on Co Rd 91 at the south end of the property. Scott County had previously indicated that they would allow the full movement intersection at this location, although they did not guarantee that the full movement intersection would be permitted perpetually, and nothing that they will require both right and left turn lanes into the site which have not been shown on the current plan set.

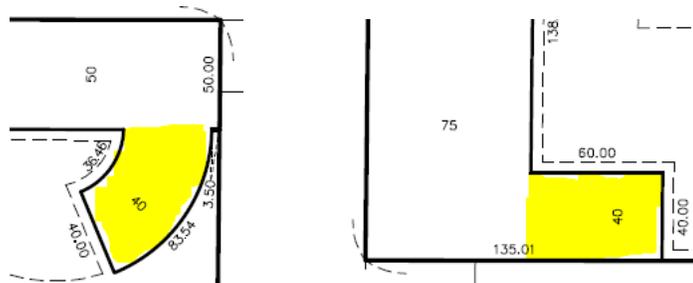
Since the time of original comments by Scott County, grant funding for a roundabout at the adjacent intersection has been approved. Staff sees two possible options for design and construction of the turn lanes into the site:

- a) The developer could design and construct the north-bound right turn lane, and the south-bound left turn lane into the site, as required by Scott County.
- b) The north-bound right turn lane and the south-bound left turn lane into the site could be designed and constructed in conjunction with the proposed roundabout project, with all costs associated with the turn lanes being placed in escrow with the City by the developer. (This method would need to be approved by Scott County and would require timing coordination.)

It should be noted that the roundabout project is currently scheduled for 2020 construction. Constructing the turn lane with the roundabout project may present some timing issues for the developer.

Planned Roundabout @ Co Rd 2 & Co Rd 91. Since planning began on development of the subject property, the City and County have secured grant funding for a roundabout at this intersection. The project is currently in the preliminary design phase and is currently proposed to be constructed in 2020. Draft layouts for the roundabout are attached to this report, but have not been approved by either Scott County or the Elko New Market City Council. The draft layouts are conceptual at this point.

City Street Connections to County Road. Scott County does not allow private commercial access connections to the county roadway system. Connections for commercial uses must be made via a public street. The developer has attempted to address this requirement by dedicating a 40' wide area that would be considered city street right-of-way. The City Engineer presented options to address the access requirements in a memorandum dated October 24, 2016 (attached). Revised City Engineer Comments are contained in a memo dated March 6, 2018. The City Engineer recommends the public street access be redesigned.



### **Trails**

The City's 2030 Park & Trail Plan identifies a proposed sidewalk / trail corridor along the south side of Co Rd 2 and the east side of Co Rd 91. The City's Transportation Plan also recommends that sidewalks or trails be constructed adjacent to all minor collectors, major collectors, and minor arterial roadways. The current concept plans show a proposed 8' trail along both Co Rds 2 and 91. The plans depict "Trail by Others". Consistent with the City's adopted plans, city staff recommends that a 10' trail be constructed along the south side of Co Rd 2 and the east side of Co Rd 91, adjacent to the subject property, concurrent with the development and by the developer. A 10' trail is consistent with the existing trail segment located to the south, near Aaron Drive, and is also the MnDOT standard width for shared use paths (pedestrians and bicycles). The trail can be constructed within the county road right of way but requires a permit from Scott County. Staff recommends that all plans be amended to depict that a 10' trail be constructed by the developer. If the trail is constructed concurrent with the future roundabout project, staff suggests a financial contribution by the developer towards the trail.

### **Internal Pedestrian Routes**

Staff recommends that the plans depict pedestrian access routes from the perimeter trails/sidewalks into the convenience store building. The identified routes should show the safest possible routes for pedestrians or bicyclists to access the buildings on the site. The route could be identified by either pavement markings or varying surface materials.

### **Wetlands / Floodplain / DNR Protected Waters**

There are known wetlands on the subject property. A wetland delineation report prepared Whitt Environmental Services has been submitted for review. The report indicates a large wetland on the subject property. The delineated boundary corresponds approximately with the 1130 contour line. There is also a DNR Protected Water on the property with an ordinary high water mark of 1126.4. The wetland delineator has opined that the City of Elko New Market, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, and the U.S. Army Corp of Engineers all have jurisdiction over the wetlands on or adjacent to the site.

The developer is proposing to fill / mitigate a portion of the wetland. A wetland application was submitted at one time but subsequently withdrawn. During the past year a fair amount of review has been conducted related to the boundary of the wetland and the proposed mitigation limits. Several meetings of Technical Evaluation Panel (TEP) have taken place, and in August of 2017 there seemed to be consensus by the TEP regarding the proposed fill / mitigation area.

At this time the developer has chosen to proceed with application for sketch plan review, with the understanding that any potential approvals would be 100% contingent upon concurrence with the wetland boundary and approval of the application for mitigation / replacement plan. All recommendations for approvals should be subject to the approval of all wetland applications, including wetland boundary concurrence and approval of the wetland replacement plan.

There are no FEMA designated floodplain areas on the subject property.

City Code requires that wetlands (and stormwater ponds) be conveyed to the City in the form of an outlot. The plan should be revised to show the stormwater ponds and wetland areas in outlots to be conveyed to the City rather than easements, as currently shown.

### **Wetland Buffer Requirements**

Title 11-11-4 (C) of the city code requires vegetative buffers be maintained adjacent to delineated wetlands. The buffer width is dependent upon the functional assessment (quality) of the wetland. A MnRAM report prepared by Whitt Environmental Services has been submitted. The results of the report indicate that the wetland must have a wetland buffer with an average width of 30' and a minimum width of 25'.

The city code also states the following:

“The first 25' of buffer, as measured from the wetland, cannot be disturbed during project construction (i.e. cleared or graded, except for temporary disturbances for public roads and utility construction) and shall be protected from disturbance with temporary fencing prior to construction. Vegetation can be replaced and site soils preparation work completed within the first 25' if necessary to establish acceptable buffer vegetation in accordance with these wetland regulations.”

The current plan does show grading within the buffer area. Approval of the plan as submitted would be approving a reduced wetland buffer from the required 30' (average) and 25' minimum to 0'. (average buffer unknown.)

**Stormwater**

The current plans shows that the developer is proposing the expand an existing stormwater pond owned by Scott County, and direct drainage from the majority of the site into this pond, which is located on the northeasterly area of the site. A future phase (proposed Lot 2) also proposes construction of a small pond on the southerly portion of the property.

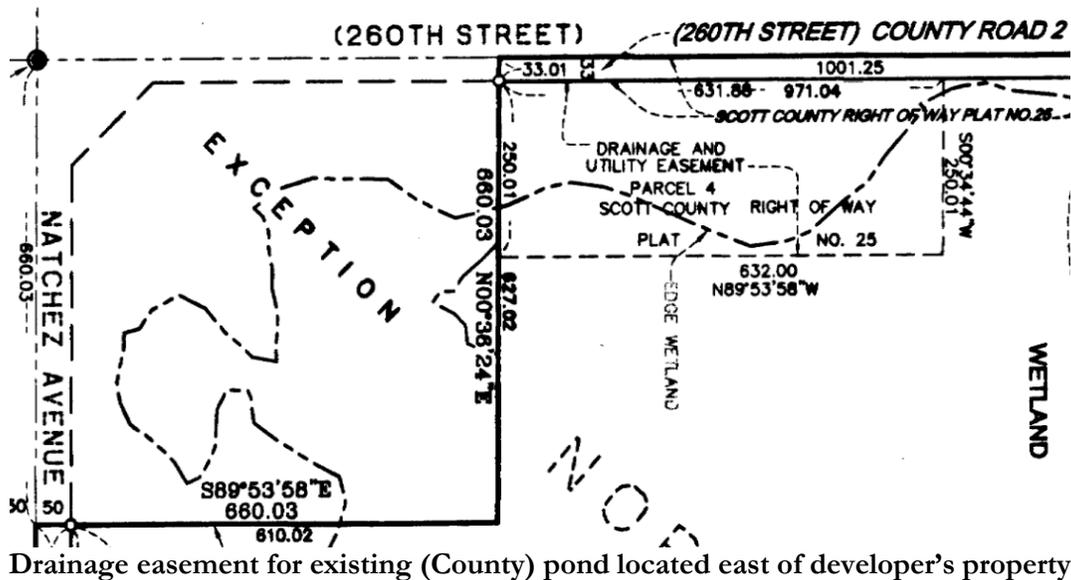
Preliminary stormwater information was submitted to Scott County in May, 2017 to determine if they were agreeable to the developer connecting to their existing pond. County comments returned to the developer’s engineer are as follows:

- Check the rainfall data. The model used 7.83 inches for a 100 year storm, while the precipitation data server states the 100 year amount is 7.30 inches. Revise the models accordingly.
- The 0.1 foot rise in HWL is within the realm of rounding and is acceptable.
- Provide a narrative or direction on how infiltration is being done on the site or why it is not, with the reasons why.
- Otherwise, fine from a water resources perspective.
- **Note that does NOT include comments on any other County Highway Requirements, such as access or turn lanes.**

Revised stormwater calculations have been submitted to the City Engineer for review. His general comments are contained in a memo dated March 6, 2018.

The final stormwater design must be reviewed and approved by the City Engineer and Scott County.

City Code requires that stormwater ponds (and wetlands) be conveyed to the City in the form of an outlot. The plan should be revised to show the stormwater ponds and wetland areas in outlots to be conveyed to the City rather than easements, as currently shown.





**Aerial view of County stormwater pond located east of developer's property**



**View of existing County stormwater pond located east of developer's property**

### **Sanitary Sewer**

Sanitary sewer is available along both Co Rd 91 and Co Rd 2. PVC sanitary sewer lines are proposed to connect to the existing trunk sewer lines. The buildings on Lots 1 and 3 are proposed to share a sanitary connection. If this is the case, a drainage and utility easement is needed to cover a portion of the sanitary line. Preliminary City Engineer comments are contained in a memo dated March 6, 2018. **The City Engineer must review and approve the proposed sanitary sewer plan.**

### **Water**

Water is available along Co Rd 2. The developer is proposing to install an 8' ductile iron water line that will service the development and extend through the property and extend to the property to the south. 6" service lines are proposed to service the building. Staff suggests that trunk water line be constructed within the road right-of-way if possible. If that is not possible, there will need to be a drainage and utility easement covering the water lines that will serve additional property to the south and Lot 3. Preliminary City Engineer comments are contained in a memo dated March 6, 2018. **The City Engineer must review and approve the proposed water plan.**

### **Parks Commission Comments**

Title 12-9-8 of the city code requires that 10% of the gross area being subdivided be dedicated for public parks, trails, or open space. If no land dedication is required, the park fee is \$2,800 per acre for commercial development.

Sketch Plan Review of Proposed PUD Zoning & Preliminary Plat, Barsness 1<sup>st</sup> Addition

3/6/18

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The City's adopted Park & Trail Plan identifies future trails along the east side of Co Rd 91 and the south side of Co Rd 2. A sidewalk or trail shall be constructed along the south side of Co Rd 2, and along the east side of Co. Rd. 91 at the time of development, consistent with the City's adopted plan. Along Co Rd 91 to the south, there is an existing 10' wide trail, and along the south side of Co Rd 2 to the west there is a 5' wide sidewalk.

On September 1, 2016, the Parks Commission reviewed a concept development plan and made the following recommendation:

- The developer construct the trails along his property at the time of development, which is identified in the City's Park and Trail Plan on the eastside of CSAH 91 and the south side of CSAH 2; and
- The developer contribute cash in-lieu-of park land dedication.

The developer should calculate the area/acreage of the site located outside of the wetland area. The park dedication fee will be based on the acreage located outside of the wetland area.

### **City Engineer Comments**

The city engineer submitted preliminary comments on the previous concept plan in an email dated July 11, 2016 and a revised memo dated March 8, 2018 (attached). Comments are categorized by transportation, stormwater, sanitary sewer, and water. In addition, the City Engineer has conveyed options for access into the site via public/city street connections in a memo dated October 24, 2016 (attached).

### **Public Works Director Comments**

The Public Works Director has made the following comments:

- There is no area for City plow trucks to turn around at either access, and no room for snow storage.
- I didn't see any turn lanes shown on this plan.
- The trail is labeled to be done by others, this should be included as part of the project.
- I think there may be issues with the car wash stacking up into where the gas pumps are located.
- I would prefer to see the watermain located in the right-of-way (if possible) rather than under the parking lot, in case of a watermain break or leak.

### **Fire Chief Comments**

The Fire Chief has not commented on the Sketch Plan. An emergency /rapid access system will be required on the proposed commercial building at the time of construction (Knox Box).

### **Police Chief Comments**

The Police Chief has reviewed the Sketch Plan and has made the following comments:

- The site design is generally acceptable.
- It would be my preference to have the "through road" in front of the building.
- I would recommend large windows on the front of the convenience store building, for safety purposes and so the convenience attendants can sufficiently view potential gas drive-offs.

### **Building Official Comments**

The Building Official has reviewed the Sketch Plan and made the following comment:

- I have no comments on the Concept Plan for the Barsness commercial development.

### Scott County Highway Department Comments

At the time of this report, comments from Scott County had not yet been received. Several comments previously made by Scott County are referenced in the transportation section of this report, and the most recent comments from Scott County are attached and dated August 8, 2016.

### DNR Comments

At the time of this report comments had not been solicited or received from the DNR.

### Staff Recommendation:

Staff supports the proposed use of the property for the proposed motor fuel station, car wash, convenience store, retail, office and restaurant uses. Staff believes that, as noted throughout this report, there are design issues within the site itself that need further attention and redesign. Staff and the developer are seeking additional input from the Planning Commission and City Council regarding the site design.

Staff makes the following comments regarding the Sketch Plan that should be considered as part of the Development Stage PUD and Preliminary Plat Applications:

- 1) The proposed use of the property meets the intent of the guided land use for the area as stated in the City's Comprehensive Plan.

In terms of the requested deviations from City Code, staff supports the following requested deviations:

- Building setback deviation for building on Lot 3 – 53' from front row
- Building setback deviation for building on Lot 1 – 12' from side
- Rear yard setback deviations for buildings on Lots 2 & 3 (can be further determine after outlot boundary is drawn)
- Wetland buffer setback to 0' , as depicted on site plan
- Wetland setback for buildings on Lot 2 and 3
- Stormwater pond setback for building on Lot 3
- Requirement that 25% of lot be landscaped

In terms of the requested deviations from City Code, staff does not support the following requested deviations:

- Deviation for building materials on motor fuel station (gateway to City)
- 15' wide landscaped area for motor fuel station (gateway to city)
- 5' wide drainage and utility easements rather than the 10' required by City Code (precedent setting)
- Trail constructed by others (will be an immediate need for pedestrians to access the site)
- Deviation for car wash stacking spaces (negatively affects internal site circulation at gas station)
- No off street loading area (high likelihood that loading space will be needed for convenience store and other deliveries)

Staff makes the following recommendations for future consideration:

- 1) The sketch plan recommendation is issued based on the following plans prepared by James R. Hill and Appro Development, all on file with the City of Elko New Market Planning Department:
  - Title Sheet – 12/29/17
  - Existing Conditions Drawing - 12/29/17
  - Preliminary Plat Drawing – 12/27/17

Sketch Plan Review of Proposed PUD Zoning & Preliminary Plat, Barsness 1<sup>st</sup> Addition

3/6/18

Page 23 of 29

- Preliminary Erosion & Sediment Control Plan – 12/29/17
  - Preliminary Grading & Drainage Plan – 12/29/17
  - Preliminary Utility Plan – 12/29/17
  - Preliminary Paving & Dimensional Plan – 12/29/17
  - Detail Plates – 12/29/17
  - Landscaping Plan 12/22/17
  - Lighting Plan – 12/11/17
  - Concept Floor Plan 11/29/17
  - Concept Elevations / Building Renderings 11/29/17
  - Concept Building & Site image – 12/13/17
- 2) The developer must enter into a Planned Unit Development Developer’s Contract with the City of Elko New Market, and the Agreement must be approved by the City Council prior to final plat approval of the site.
  - 3) Subject to the City Engineer’s memo dated March 6, 2018.
  - 4) Final development, grading and construction plans must be approved by the City Engineer, Public Works Director and Community Development Specialist prior to final plat approval.
  - 5) Additional descriptive information should be provided regarding the meaning of the requested “storage” use.
  - 6) The B1 Neighborhood Business District standards apply to the development, except as specifically noted in the table describing allowable variations.
  - 7) All approvals should be subject to the approval of all wetland applications, including wetland boundary concurrence and approval of the wetland replacement plan.
  - 8) The developer shall submit a letter explaining how the project, as proposed, meets the intended goals of a PUD and how the development will exceed City design requirements to offset the effect of (PUD) variations to required design standards.
  - 9) Cross access easements will be needed to ensure perpetual access to Lot 1.
  - 10) The proposed motor fuel station canopy must be setback 30’ from the right-of-way lines and shall meet the design requirements of Section 11-26A-4 of the City Code. Additional details regarding the proposed fuel station canopy should be provided with the PUD application.
  - 11) Brick and/or stone features shall be integrated into the front building façade of the motor fuel station building to meet the requirements of Title 11-26A-4 of the City Code.
  - 12) Buildings will be required to have increased design standards as a “trade-off” for the PUD variations. The building facades visible from public rights-of-way shall incorporate detail using colors, textures, and varying material treatments to break up the facades and provide a high degree of aesthetic treatments. The predominant exterior building material for the buildings on proposed Lots 2 & 3 shall consist of brick or stone. At least 40% of the front facing façade shall consist of windows.
  - 13) The site plan shall be revised to show 24’ between the pump islands, as required by Title 11-26A-4 of the City Code.
  - 14) The building renderings shown on the “Concept Elevation” drawing dated 11/29/17 should be revised to clearly reflect single fueling stations, or the rendering should be removed from the plans.
  - 15) The plans shall be revised so that the required stacking spaces are provided and clearly identified, and do not create any conflicts with the traffic circulation on the site.
  - 16) The plans shall be revised to depict the required off-street loading space as required by Title 11-9-11 of the City Code.
  - 17) The developer shall submit WB-62 and other truck turning movement templates / diagrams to ensure that there is adequate space within the site for large trucks and fuel suppliers to maneuver.
  - 18) Future submittals should incorporate the location for a garbage dumpster which meets the requirements of Section 11-4-3 of the City Code.

- 19) The developer must provide calculations for the amount of proposed green space located outside of the wetland area to determine the percentage of proposed green space / landscaped area within the site.
- 20) The landscape plan shall be amended to remove the proposed willow trees located near the stormwater ponds, add trees in parking lot bump-out areas, add flowering perennials throughout the site, and provide for 15' of landscaping near the motor fuel station.
- 21) The lighting plan shall be amended to meet the requirements of Title 11-4-7 of the City Code; the plan submitted exceeds the allowable 1 foot-candle reading at the property line.
- 22) 10' wide drainage and utility easements shall be shown on all perimeter lot lines, centered on all interior lot lots, as required by Title 12-9-6 (A) of the City Code.
- 23) The proposed public street access into the property shall be redesigned to address the comments of the City Engineer and Public Works Director.
- 24) The plan shall be amended to depict the perimeter parking lot curbing located a minimum of 15' from the County Road rights-of-way in the area of the motor fuel station, and a minimum of 10' in other areas.
- 25) The developer will be required to provide for turn-lanes into the site. Turn lanes include an east-bound right turn lane on Co Rd 2, and both a north-bound right turn lane and a south-bound left turn lane from Co Rd 91. Two possible options for design and construction of the turn lanes into the site include:
  - a. The developer may design and construct the turn lanes into the site, as required by Scott County.
  - b. The east-bound right turn lane into the site could be designed and constructed in conjunction with the proposed roundabout project, with all costs associated with the turn lanes being placed in escrow with the City by the developer. The turn lane will only benefit the subject property and therefore the developer/property owner should bear all costs associated with the proposed turn lane. (This method would need to be approved by Scott County and would require timing coordination.)
- 26) The plans shall be amended to depict a 10' trail be constructed by the developer, or if constructed with the roundabout project, a financial contribution from the developer shall be required.
- 27) The plans shall be amended to clearly depict a pedestrian route from the perimeter trail/sidewalk system into the proposed motor fuel station building.
- 28) Stormwater calculations must be approved by the City Engineer and Scott County.
- 29) The plans shall be amended to show the existing wetland areas and proposed stormwater ponds in Outlots, to be dedicated to the City, rather than in easements as currently depicted.
- 30) The developer shall contribute cash in-lieu-of park land dedication, as recommended by the Parks Commission.
- 31) An emergency /rapid access system will be required on the proposed commercial buildings at the time of construction.

**Attachments:**

Street views of property

Ordinance requirements for commercial car washes

Ordinance requirements for motor fuel stations

Aerial Overlay

Plans prepared by James R. Hill and Appro Development

City Engineer Review Memo dated March 6, 2018

City Engineer memo regarding access dated October 26, 2016

City Staff Review Memo dated August 12, 2016

Conceptual Roundabout Plans, January 2018

Scott County comments dated August 8, 2016 (waiting for revised comments)



**View from northwest corner of property, looking southeast**



**View from southwest corner of property, looking northeast**



**View from northeast corner of property, looking southwest**

**Commercial car washes (drive-through and self-service); provided, that:**

- A. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
- B. Magazing or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the city engineer.
- C. At the boundaries of a residential district, a strip of not less than five feet (5') shall be landscaped and screened in compliance with section [11-5-4](#) and [chapter 10](#) of this title.
- D. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section [11-5-4](#) of this title.
- E. The entire area, other than occupied by the building or plantings, shall be surfaced with material which will control dust and drainage, which is subject to the approval of the city engineer.
- F. The entire area shall have a drainage system which is subject to the approval of the city.
- G. All lighting shall be hooded and so directed that the light source is not visible from the public right of way or from an abutting residence and shall be in compliance with section [11-4-7](#) of this title.
- H. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the city engineer.
- I. Provisions are made to control and reduce noise.

**Motor fuel stations; provided, that:**

- A. Motor Fuel Facilities: Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
- B. Architectural Standards:
  - 1. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.
  - 2. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.
  - 3. Exterior wall treatments such as brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
- C. Canopy: A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:
  - 1. The edge of the canopy shall be thirty feet (30') or more from the front and/or side lot line; provided, that adequate visibility both on site and off site is maintained.

2. The canopy shall not exceed eighteen feet (18') in height and shall provide fourteen feet (14') of clearance to accommodate a semitrailer truck passing underneath.
  3. The canopy fascia shall not exceed three feet (3') in vertical height.
  4. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
  5. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure; provided, that the individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way.
  6. Canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.
- D. Pump Islands: Pump islands shall comply with the following performance standards:
1. Pump islands shall be elevated six inches (6") above the traveled surface of the site.
  2. All pump islands shall be set at least thirty feet (30') back from any property line. Additionally, the setback between the pump islands' curb face shall be at least twenty four feet (24').
- E. **Dust Control And Drainage:** The entire site, other than taken up by a building, structure, or plantings, shall be surfaced with asphalt, concrete, cobblestone, or paving brick. Plans for surfacing and drainage shall be subject to approval of the city engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:
1. A minimum of four hundred (400) cubic feet of permanent pool storage capacity per acre of drainage area.
  2. A minimum pool depth of four feet (4').
  3. A minimum oil containment capacity of eight hundred (800) gallons.
  4. Minimum maintenance inspection of two (2) times per year and/or after measurable spill events. A measurable spill shall be defined by the Minnesota pollution control agency (MPCA). Any measurable spill event shall be reported to the MPCA.
- F. **Landscaping:**
1. Minimum required green area shall be in accordance with the provisions of [chapter 10](#) of this title.
  2. At the boundaries of the lot, the following landscape area shall be required:
    - a. **From side and rear property lines, an area of not less than ten feet (10') wide shall be landscaped in compliance with [chapter 10](#) of this title.**
    - b. **From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with [chapter 10](#) of this title.**
    - c. Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in accordance with section [11-5-4](#) and [chapter 10](#) of this title.

- d. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.
  
- G. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section [11-4-7](#) of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:
  - 1. Canopy Lighting: Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy shall not exceed one hundred fifteen (115) foot-candles at ground level.
  - 2. Illumination: Maximum site illumination shall not exceed limits set forth in section [11-4-7](#) of this title.
  - 3. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with [chapter 9](#) of this title.
  
- H. Circulation And Loading: The site design shall accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas shall be exclusive of off street parking stalls and drive aisles. A site plan shall be provided to illustrate adequate turning radius, using appropriate engineering templates.
  
- I. Parking:
  - 1. Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).
  - 2. Parking spaces shall be screened from abutting residential properties in accordance with section [11-5-4](#) of this title.
  
- J. Noise: Public address system shall not be audible at any property line. Playing of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated by section [11-4-8](#) of this title.
  
- K. Outside Storage, Sales And Service: No outside storage or sales shall be allowed, except as follows:
  - 1. Public phones may be located on site as long as they do not interrupt on site traffic circulation and are not located in a yard abutting residentially zoned property.
  - 2. Propane sales of twenty (20) pound capacity tanks may be located outside, provided the propane tanks are secured in a locker and meet all state and city building and fire codes.
  - 3. A compressed air service area may be located on site as long as it does not interrupt on site traffic circulation.
  
- L. Litter Control: The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at convenient locations on site to facilitate litter control.
  
- M. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the city council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

**Proposed Barsness Commercial Development  
Aerial Overlay**

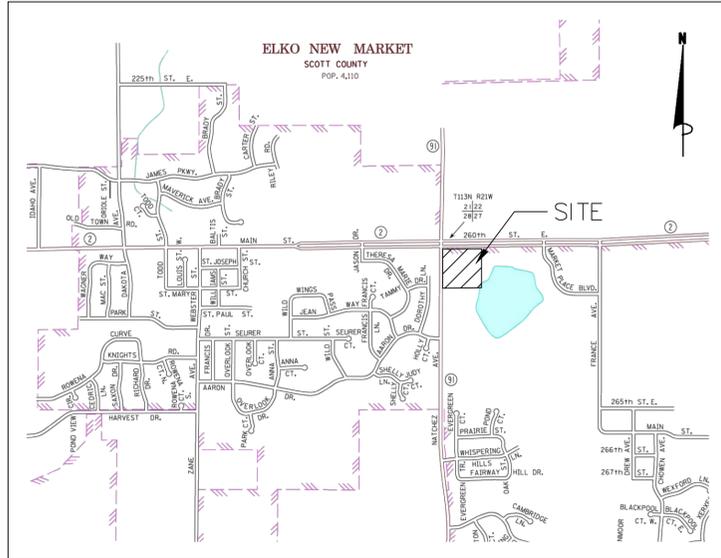


# BARSNESS 1ST ADDITION

ELKO NEW MARKET, MINNESOTA

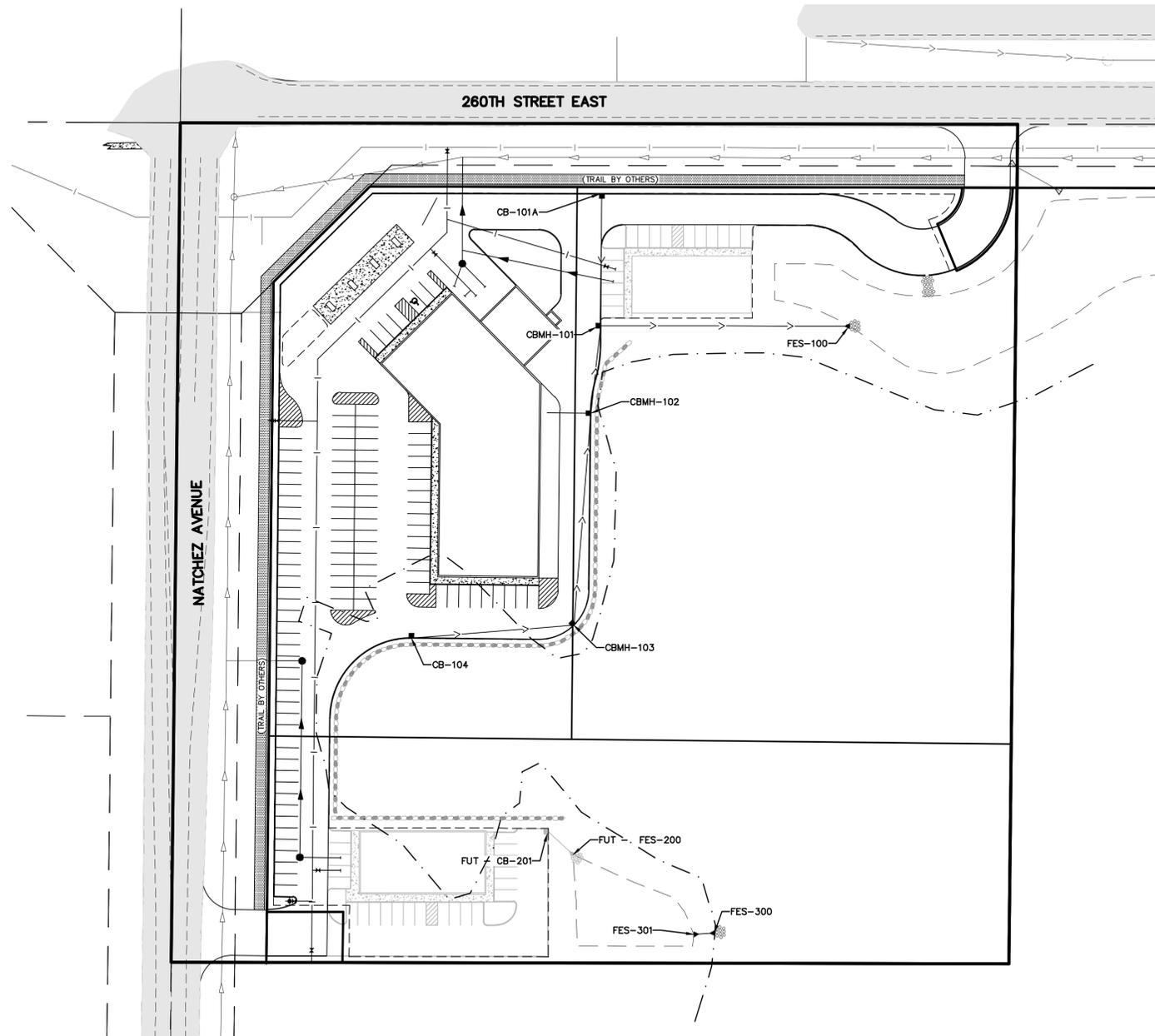
## PRELIMINARY DEVELOPMENT PLANS

FOR  
**WARREN BARSNESS**  
26836 GRAND AVENUE, ELKO, MN 55020  
PHONE: (952) 461-2441



**PROJECT COORDINATES**  
N 44° 34' 21"  
W 93° 20' 16"

**LOCATION MAP**  
NOT TO SCALE



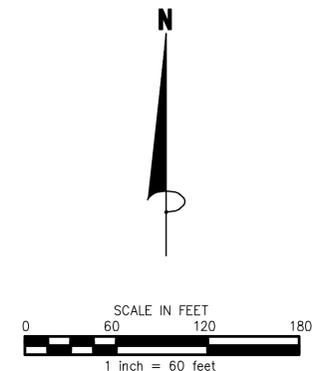
<u>INDEX</u>	
TITLE SHEET	C1.1
EXISTING CONDITIONS	C1.2
PRELIMINARY PLAT	C2.1
EROSION & SEDIMENT CONTROL PLAN	C3.1
GRADING & DRAINAGE PLAN	C3.2
UTILITY PLAN	C4.1
PAVING & DIMENSIONAL PLAN	C5.1
DETAILS	C6.1

<u>LEGEND</u>	
	EXISTING ASPHALT SURFACE
	EXISTING CONCRETE SURFACE
	EXISTING WETLAND
	EXISTING CURB
	EXISTING STORM SEWER
	EXISTING SANITARY SEWER
	EXISTING WATERMAIN
	EXISTING OVERHEAD UTILITY
	EXISTING UNDERGROUND FIBER OPTIC
	EXISTING GAS LINE
	EXISTING CONTOURS
	PROPOSED CURB
	PROPOSED STORM SEWER
	PROPOSED STORM SEWER
	PROPOSED WATERMAIN
	PROPOSED CONTOURS
	PROPOSED HEAVY DUTY ASPHALT
	PROPOSED CONCRETE SURFACE
	PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
	PROPOSED SILT FENCE
	PROPOSED HEAVY DUTY SILT FENCE
	PROPOSED CB PROTECTION - POST STORM SEWER CONSTRUCTION
	PROPOSED WIMCO - POST CONSTRUCTION

**PROJECT CONTACTS**

PROJECT ENGINEER:	JOEL COOPER, P.E. - JAMES R. HILL, INC.	(952)-890-6044 (O) (612)-508-6480 (C)
DEVELOPER:	WARREN BARSNESS	(952)-461-2441 (O)
CITY ENGINEER:	RICH REVERING - CITY ENGINEER	(952)-890-0509 (O)
NPDES OFFICER:	PAUL ERDMANN - MPCA	(651)-757-2883 (O)
GENERAL CONTRACTOR REPRESENTATIVE:	TBD	(XXX)-XXX-XXXX (X)

**GOPHER STATE ONE CALL**  
CALL 48 HOURS BEFORE YOU DIG!  
TWIN CITY AREA 651-454-0002  
MN. TOLL FREE 1-800-252-1166



**James R. Hill, Inc.**  
PLANNERS / ENGINEERS / SURVEYORS  
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337  
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
ERIC L. EAGERBERG  
Date: 08/21/17 Reg. No. 53772

**BARSNESS 1ST ADDITION**  
ELKO NEW MARKET, MINNESOTA  
**TITLE SHEET**  
FOR  
**WARREN BARSNESS**  
26836 GRAND AVENUE, ELKO, MN 55020

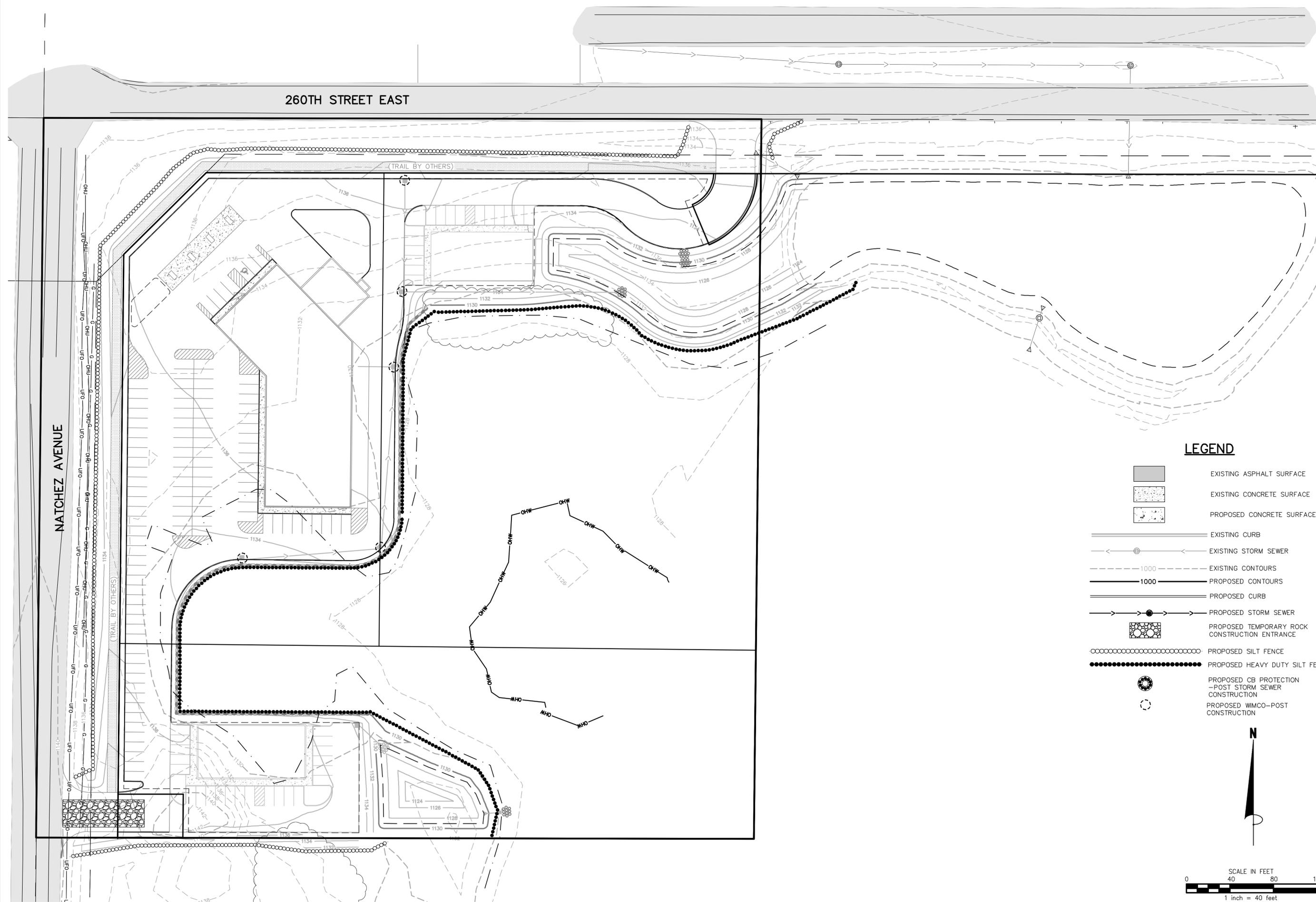
DRAWN BY EPF
DATE 08/21/17
REVISIONS
10/11/17 OWNER REV. 12/29/17 INITIAL ISSUE
CAD FILE 22324-10-TS
PROJECT NO. 22324-10
C1.1

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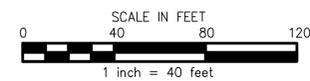


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**LEGEND**

- EXISTING ASPHALT SURFACE
- EXISTING CONCRETE SURFACE
- PROPOSED CONCRETE SURFACE
- EXISTING CURB
- EXISTING STORM SEWER
- 1000 EXISTING CONTOURS
- 1000 PROPOSED CONTOURS
- PROPOSED CURB
- PROPOSED STORM SEWER
- PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
- PROPOSED SILT FENCE
- PROPOSED HEAVY DUTY SILT FENCE
- PROPOSED CB PROTECTION -POST STORM SEWER CONSTRUCTION
- PROPOSED WIMCO-POST CONSTRUCTION



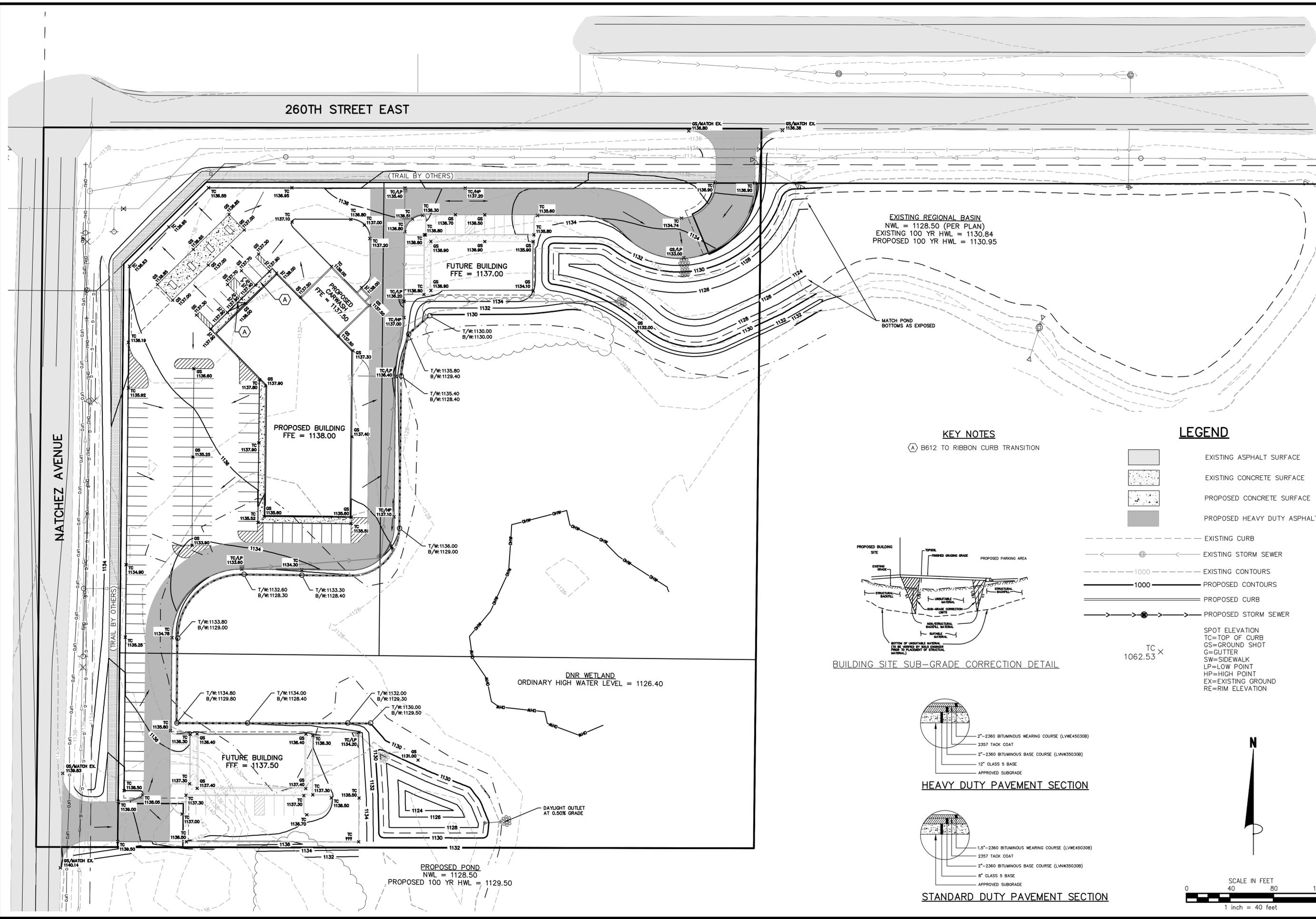
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**BARSNESS 1ST ADDITION**  
 ELKO NEW MARKET, MINNESOTA  
**PRELIMINARY EROSION & SEDIMENT CONTROL PLAN**  
 FOR  
**WARREN BARSNESS**  
 26836 GRAND AVENUE, ELKO, MN 55020

<b>DRAWN BY</b>	EPF
<b>DATE</b>	08/21/17
<b>REVISIONS</b>	
10/11/17 OWNER REV.	
12/29/17 INITIAL ISSUE	
<b>CAD FILE</b>	22324-10-ERC
<b>PROJECT NO.</b>	22324-10
<b>C3.1</b>	

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EXISTING REGIONAL BASIN  
 NWL = 1128.50 (PER PLAN)  
 EXISTING 100 YR HWL = 1130.84  
 PROPOSED 100 YR HWL = 1130.95

FUTURE BUILDING  
 FFE = 1137.00

PROPOSED BUILDING  
 FFE = 1138.00

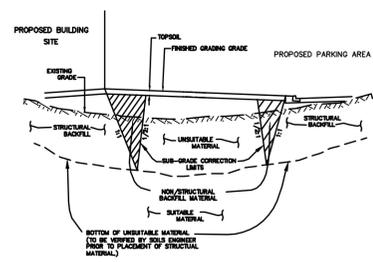
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DNR WETLAND  
 ORDINARY HIGH WATER LEVEL = 1126.40

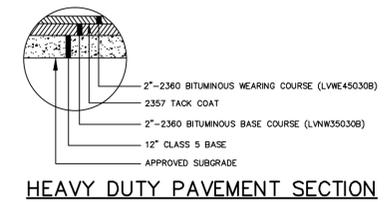
PROPOSED POND  
 NWL = 1128.50  
 PROPOSED 100 YR HWL = 1129.50

KEY NOTES  
 (A) B612 TO RIBBON CURB TRANSITION

- LEGEND**
- EXISTING ASPHALT SURFACE
  - EXISTING CONCRETE SURFACE
  - PROPOSED CONCRETE SURFACE
  - PROPOSED HEAVY DUTY ASPHALT
  - EXISTING CURB
  - EXISTING STORM SEWER
  - EXISTING CONTOURS
  - PROPOSED CONTOURS
  - PROPOSED CURB
  - PROPOSED STORM SEWER
  - SPOT ELEVATION  
 TC=TOP OF CURB  
 GS=GROUND SHOT  
 G=GUTTER  
 SW=SIDEWALK  
 LP=LOW POINT  
 HP=HIGH POINT  
 EX=EXISTING GROUND  
 RE=RIM ELEVATION



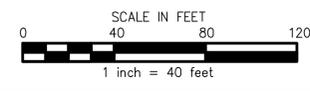
BUILDING SITE SUB-GRADE CORRECTION DETAIL



HEAVY DUTY PAVEMENT SECTION



STANDARD DUTY PAVEMENT SECTION

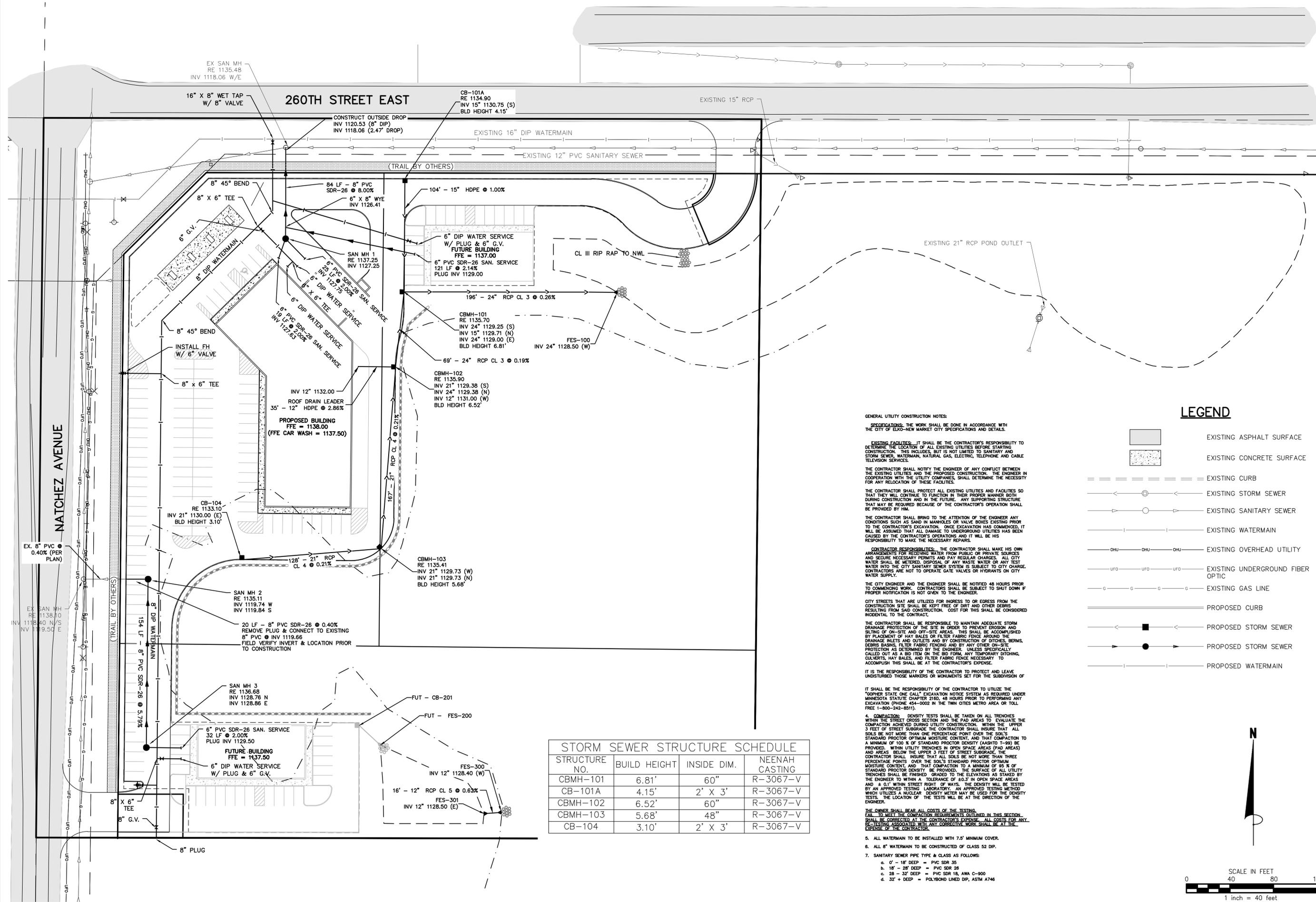


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**BARSNESS 1ST ADDITION**  
 ELKO NEW MARKET, MINNESOTA  
**PRELIMINARY GRADING & DRAINAGE PLAN**  
 FOR  
**WARREN BARSNESS**  
 26836 GRAND AVENUE, ELKO, MN 55020

DRAWN BY EPF
DATE 08/21/17
REVISIONS
10/11/17 OWNER REV.
12/29/17 INITIAL ISSUE
CAD FILE 22324-10-G
PROJECT NO. 22324-10
C3.2



**STORM SEWER STRUCTURE SCHEDULE**

STRUCTURE NO.	BUILD HEIGHT	INSIDE DIM.	NEENAH CASTING
CBMH-101	6.81'	60"	R-3067-V
CB-101A	4.15'	2' X 3'	R-3067-V
CBMH-102	6.52'	60"	R-3067-V
CBMH-103	5.68'	48"	R-3067-V
CB-104	3.10'	2' X 3'	R-3067-V

**GENERAL UTILITY CONSTRUCTION NOTES:**

**SPECIFICATIONS:** THE WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF ELKO-NEW MARKET CITY SPECIFICATIONS AND DETAILS.

**EXISTING FACILITIES:** IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE LOCATION OF ALL EXISTING UTILITIES BEFORE STARTING CONSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO SANITARY AND STORM SEWER, WATERMAIN, NATURAL GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES.

**CONFLICTS:** THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY CONFLICT BETWEEN THE EXISTING UTILITIES AND THE PROPOSED CONSTRUCTION. THE ENGINEER IN COOPERATION WITH THE UTILITY COMPANIES, SHALL DETERMINE THE NECESSITY FOR ANY RELOCATION OF THESE FACILITIES.

**PROTECTION:** THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND FACILITIES SO THAT THEY WILL CONTINUE TO FUNCTION IN THEIR PROPER MANNER BOTH DURING CONSTRUCTION AND IN THE FUTURE. ANY SUPPORTING STRUCTURE THAT MAY BE REQUIRED BECAUSE OF THE CONTRACTOR'S OPERATION SHALL BE PROVIDED BY HIM.

**REPAIRS:** THE CONTRACTOR SHALL BRING TO THE ATTENTION OF THE ENGINEER ANY CONDITIONS SUCH AS SAND IN MANHOLES OR VALVE BOXES EXISTING PRIOR TO THE CONTRACTOR'S EXCAVATION. ONCE EXCAVATION HAS COMMENCED, IT WILL BE ASSUMED THAT ALL DAMAGE TO UNDERGROUND UTILITIES HAS BEEN CAUSED BY THE CONTRACTOR'S OPERATIONS AND IT WILL BE HIS RESPONSIBILITY TO MAKE THE NECESSARY REPAIRS.

**CONTRACTOR RESPONSIBILITIES:** THE CONTRACTOR SHALL MAKE HIS OWN ARRANGEMENTS FOR RECEIVING WATER FROM PUBLIC OR PRIVATE SOURCES AND SECURE NECESSARY PERMITS AND PAY REGULAR CHARGES. ALL CITY WATER SHALL BE METERED. DISPOSAL OF ANY WASTE WATER OR ANY TEST WATER INTO THE CITY SANITARY SEWER SYSTEM IS SUBJECT TO CITY CHARGE. CONTRACTORS ARE NOT TO OPERATE GATE VALVES OR HYDRANTS ON CITY WATER SUPPLY.

**NOTIFICATION:** THE CITY ENGINEER AND THE ENGINEER SHALL BE NOTIFIED 48 HOURS PRIOR TO COMMENCING WORK. CONTRACTORS SHALL BE SUBJECT TO SHUT DOWN IF PROPER NOTIFICATION IS NOT GIVEN TO THE ENGINEER.

**STREETS:** CITY STREETS THAT ARE UTILIZED FOR INGRESS TO OR EGRESS FROM THE CONSTRUCTION SITE SHALL BE KEPT FREE OF DIRT AND OTHER DEBRIS RESULTING FROM SAID CONSTRUCTION. COST FOR THIS SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.

**PROTECTION:** THE CONTRACTOR SHALL BE RESPONSIBLE TO MAINTAIN ADEQUATE STORM DRAINAGE PROTECTION OF THE SITE IN ORDER TO PREVENT EROSION AND SLIDING OF ON-SITE AND OFF-SITE AREAS. THIS SHALL BE ACCOMPLISHED BY PLACEMENT OF HAY BALES OR FILTER FABRIC FENCE AROUND THE DRAINAGE INTAKES AND OUTLETS AND BY CONSTRUCTION OF DITCHES, BERMS, DEBRIS BASINS, FILTER FABRIC FENCING AND BY ANY OTHER ON-SITE PROTECTION AS DETERMINED BY THE ENGINEER. UNLESS SPECIFICALLY CALLED OUT AS A BID ITEM ON THE BID FORM, ANY TEMPORARY DITCHING, CULVERTS, HAY BALES, AND FILTER FABRIC FENCE NECESSARY TO ACCOMPLISH THIS SHALL BE AT THE CONTRACTOR'S EXPENSE.

**MARKERS:** IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT AND LEAVE UNDISTURBED THOSE MARKERS OR MONUMENTS SET FOR THE SUBDIVISION OF

**TESTING:** IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO UTILIZE THE "OTHER STATE ONE CALL" EXCAVATION NOTICE SYSTEM AS REQUIRED UNDER MINNESOTA STATUTE CHAPTER 21B, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION (PHONE 454-0002 IN THE TWIN CITIES METRO AREA OR TOLL FREE 1-800-245-6511).

**COMPACTION:** DENSITY TESTS SHALL BE TAKEN ON ALL TRENCHES WITHIN THE STREET CROSS SECTION AND THE PAD AREAS TO EVALUATE THE COMPACTION ACHIEVED DURING UTILITY CONSTRUCTION. WITHIN THE UPPER 3 FEET OF STREET SUBGRADE THE CONTRACTOR SHALL INSURE THAT ALL SOILS BE NOT MORE THAN ONE PERCENTAGE POINT OVER THE SOILS STANDARD PROCTOR OPTIMUM MOISTURE CONTENT, AND THAT COMPACTION TO A MINIMUM OF 100% OF STANDARD PROCTOR DENSITY (ASTM T-99) BE PROVIDED. WITHIN UTILITY TRENCHES IN OPEN SPACE AREAS (PAD AREAS) AND AREAS BELOW THE UPPER 3 FEET OF STREET SUBGRADE, THE CONTRACTOR SHALL INSURE THAT ALL SOILS BE NOT MORE THAN THREE PERCENTAGE POINTS OVER THE SOILS STANDARD PROCTOR OPTIMUM MOISTURE CONTENT, AND THAT COMPACTION TO A MINIMUM OF 95% OF STANDARD PROCTOR DENSITY BE PROVIDED. THE SURFACE OF ALL UTILITY TRENCHES SHALL BE FINISHED GRADED TO THE ELEVATIONS AS STAKED BY THE ENGINEER TO WITHIN A TOLERANCE OF ±0.3" IN OPEN SPACE AREAS AND ±0.1" WITHIN STREET RIGHT-OF-WAYS. DENSITY WILL BE TESTED BY AN APPROVED TESTING LABORATORY. AN APPROVED TESTING METHOD WHICH UTILIZES A NUCLEAR DENSITY METER MAY BE USED FOR THE DENSITY TESTS. THE LOCATION OF THE TESTS WILL BE AT THE DIRECTION OF THE ENGINEER.

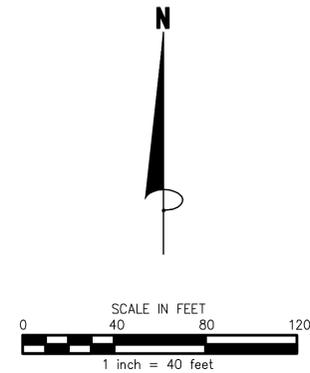
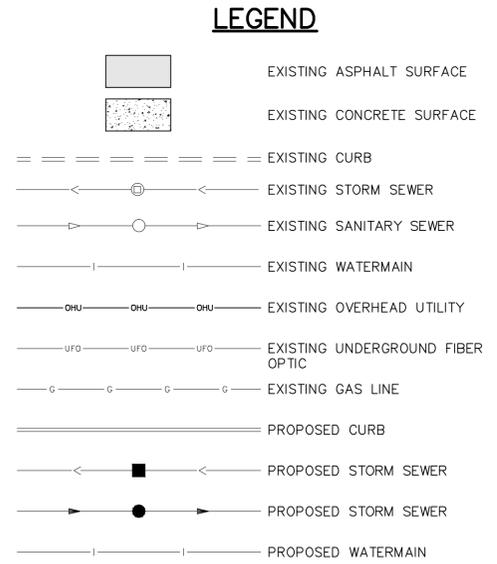
**OWNER:** THE OWNER SHALL BEAR ALL COSTS OF THE TESTING, FAIL TO MEET THE COMPACTION REQUIREMENTS OUTLINED IN THIS SECTION SHALL BE CORRECTED AT THE CONTRACTOR'S EXPENSE. ALL COSTS FOR ANY RE-TESTING ASSOCIATED WITH ANY CORRECTIVE WORK SHALL BE AT THE EXPENSE OF THE CONTRACTOR.

**WATERMAIN:** ALL WATERMAIN TO BE INSTALLED WITH 7.5' MINIMUM COVER.

**WATERMAIN:** ALL 8" WATERMAIN TO BE CONSTRUCTED OF CLASS 52 DIP.

**PIPE TYPE & CLASS:** ALL UTILITY WATER PIPE TYPE & CLASS AS FOLLOWS:

- 0' - 18" DEEP = PVC SDR 35
- 18' - 28" DEEP = PVC SDR 26
- 28' - 32" DEEP = PVC SDR 18, AWA C-900
- 32' + DEEP = POLYBOND LINED DIP, ASTM A746



**James R. Hill, Inc.**  
 PLANNERS / ENGINEERS / SURVEYORS  
 2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337  
 PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
 ERIC L. EAGERBERG  
 Date: 08/21/17 Reg. No. 53772

**BARSNESS 1ST ADDITION**  
 ELKO NEW MARKET, MINNESOTA  
**PRELIMINARY UTILITY PLAN**  
 FOR  
**WARREN BARSNESS**  
 26836 GRAND AVENUE, ELKO, MN 55020

**DRAWN BY**  
EPF

**DATE**  
08/21/17

**REVISIONS**

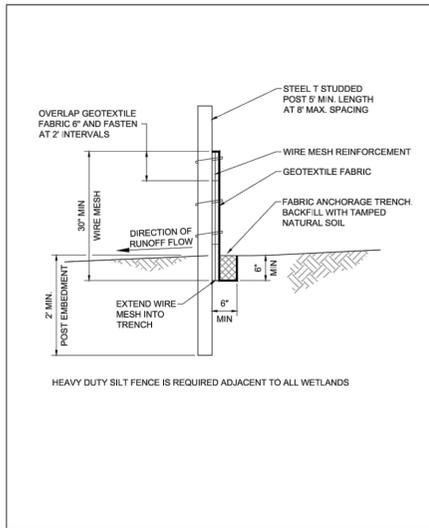
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12/29/17	INITIAL ISSUE

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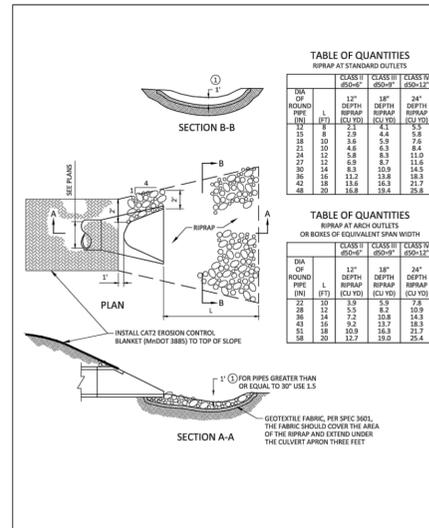
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22324-10

**C4.1**

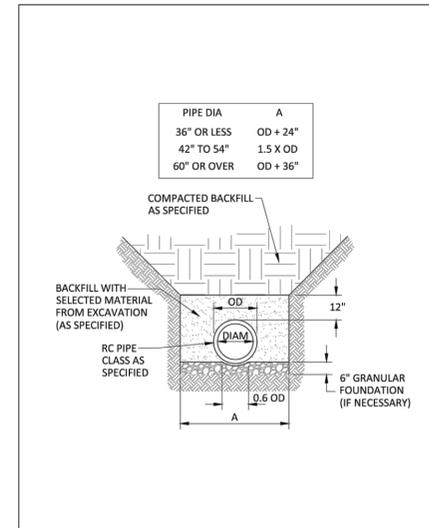




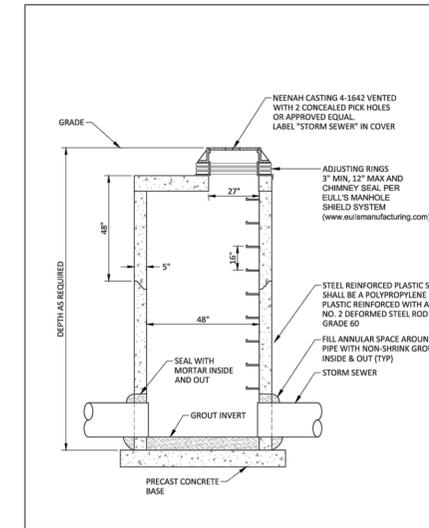
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STANDARD DETAIL NO. 3003ENM DATE 02/2017



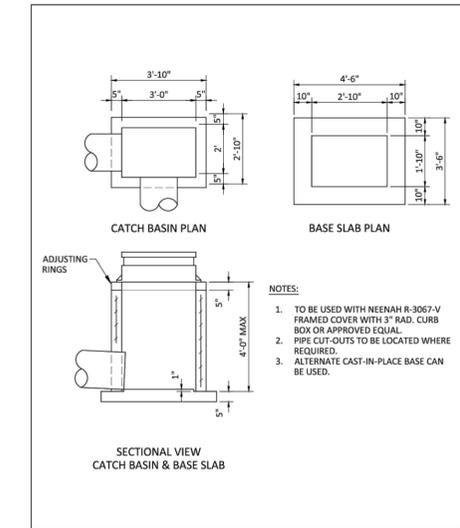
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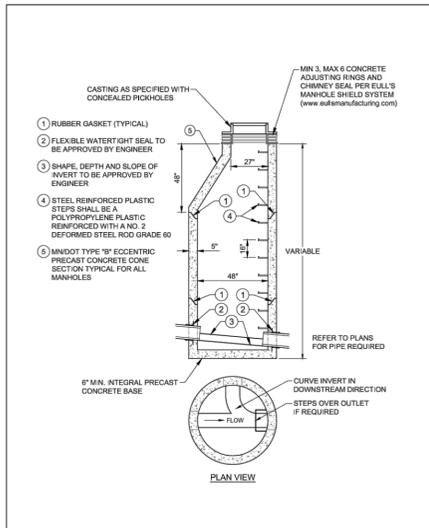
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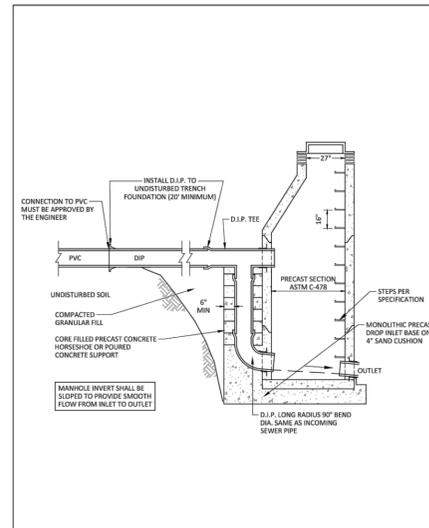
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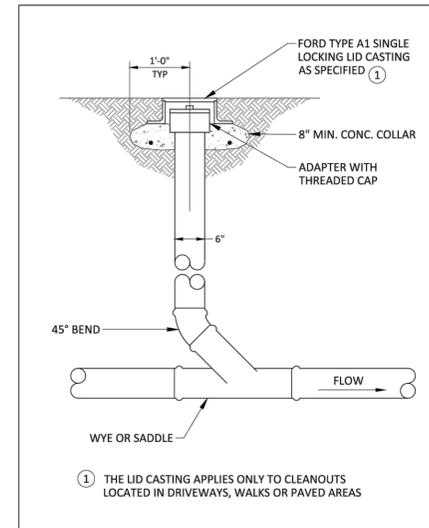
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CITY OF ELKO NEW MARKET  
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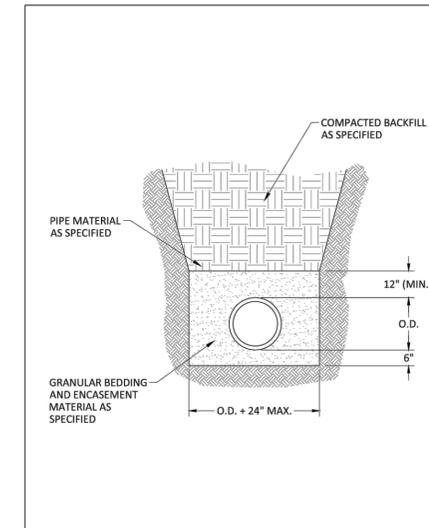
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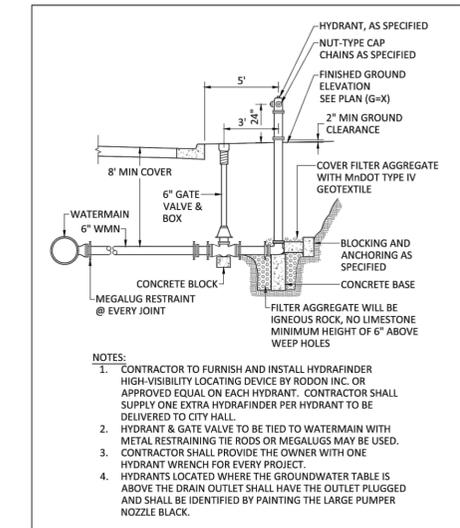
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STANDARD DETAIL NO. 5003ENM DATE 02/2017



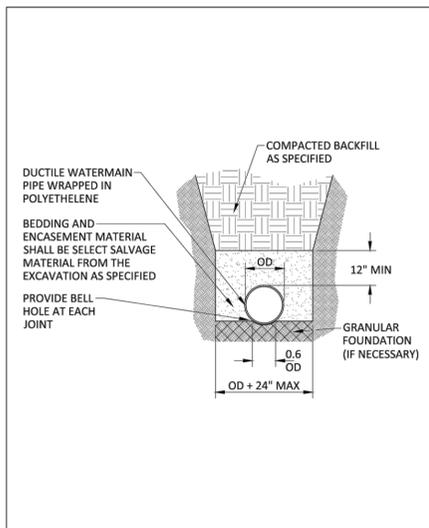
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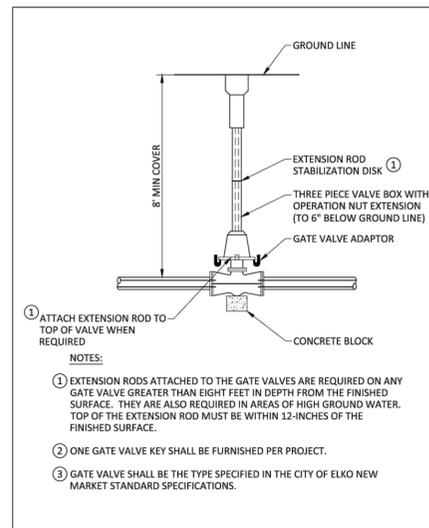
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CITY OF ELKO NEW MARKET  
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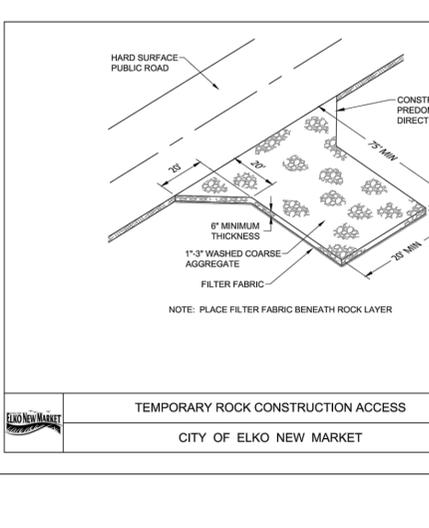
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CITY OF ELKO NEW MARKET  
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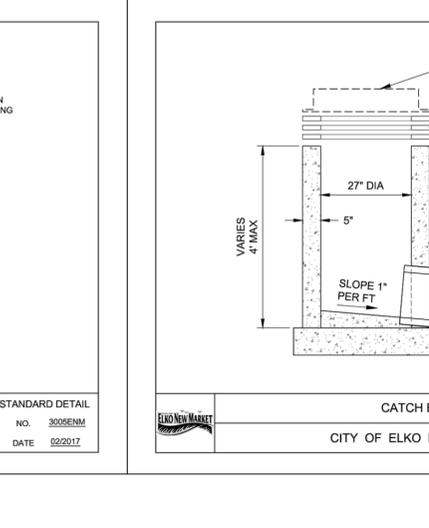
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CITY OF ELKO NEW MARKET  
STANDARD DETAIL NO. 6007ENM DATE 02/2017



**GATE VALVE & BOX**  
CITY OF ELKO NEW MARKET  
STANDARD DETAIL NO. 6010ENM DATE 02/2017



**TEMPORARY ROCK CONSTRUCTION ACCESS**  
CITY OF ELKO NEW MARKET  
STANDARD DETAIL NO. 3008ENM DATE 02/2017



**CATCH BASIN**  
CITY OF ELKO NEW MARKET  
STANDARD DETAIL NO. 4005ENM DATE 02/2017

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PLANNERS / ENGINEERS / SURVEYORS  
2500 W. Ctr. Rd. 42, Suite 120, Burnsville, MN 55337  
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
ERIC L. EAGERBERG  
Date: 08/21/17 Reg. No. 53772

**BARSNESS 1ST ADDITION**  
ELKO NEW MARKET, MINNESOTA  
FOR DETAILS  
**WARREN BARSNESS**  
26836 GRAND AVENUE, ELKO, MN 55020

**DRAWN BY**  
EPF  
**DATE**  
08/21/17  
**REVISIONS**  
10/11/17 OWNER REV.  
12/29/17 INTIAL ISSUE  
**CAD FILE**  
22324-10-D  
**PROJECT NO.**  
22324-10  
**C6.1**

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ELKO NEW MARKET PLACE  
CONCEPT IMAGE  
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## MEMORANDUM

**Date:** March 6, 2018  
**To:** Chair Steve Thompson and Members of the Elko New Market Planning Commission  
Renee Christianson, Community Development Coordinator  
**From:** Rich Revering, PE – City Engineer  
**Subject:** Review of Plan Set Dated 12 29 17 “Initial Issue”  
Elko New Market  
Project No.: T15.100785

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### BACKGROUND

The City Engineer’s Office was asked to begin the review the above-referenced plan set on February 15, 2018 and provide comments for the Commission’s use at its March 6, 2018 meeting. Our findings and recommendations to the City are limited to sketch-plan level issues and are provided by topic in the following sections:

### DISCUSSION

#### Access

The following comments are based on memo prepared by the City Engineer’s office on October 24, 2016 based on consultation with the County Engineer, Assistant County Engineer, and County Traffic Engineer. This memo was furnished to the developer via email to his engineer on November 21<sup>st</sup>, 2017. The comments below reflect new information based on roundabout layouts updated since the memo’s preparation.

- The accesses on CSAH 2 and County Highway 91 will require a permit issued to the City from Scott County. We recommend the developer be required to prepare all drawings and application forms to the County’s satisfaction and submit all fees that may be required for the county access permits for these locations as a condition of approval by the City.
- The right-in/right-out access on CSAH will require a right-turn lane be constructed at the applicant’s expense. This turn lane can be designed and built to be compatible with the future roundabout, with the final design subject to approval by the City Engineer’s Office and the County Highway Engineer. We recommend the applicant be required to modify the plans to include an approvable right-turn lane at this location.
- The right of way to be dedicated to the City for Public Streets and the public street layouts at both access locations provide no turn-around sized to accommodate maintenance and emergency vehicles and no space for snow removed from the street to be placed within the rights of way. We recommend the applicant be required to modify the plans to provide an acceptable turn-around and room for snow storage in a location compatible with typical snow plowing operations at both access locations per the above-referenced City Engineer memo.

Date: January 11<sup>th</sup>, 2018

- All City streets (within dedicated rights of way and connecting to the county roads) are required to include 24-inches of select granular borrow in the subgrade (below any aggregate base). It is recommended the plans be modified to reflect this requirement.
- The right-in/right-out access on County Highway 91 will require a right-turn lane be constructed at the applicant's expense. If constructed prior to the roundabout, this turn lane would not be compatible with the future roundabout. Accordingly, if the project is to be constructed prior to the roundabout we recommend the applicant be required to include escrow for the right turn lane in the amount of \$54,000 but not be required to build the turn lane until it can be done compatibly with the roundabout (during or after roundabout construction). The escrow would be returned to the applicant if he satisfactorily constructs the right turn lane when it can be done compatibly with roundabout improvements or used by the City to include the right turn lane with the roundabout project. Any excess would be returned to applicant and he would be billed for any shortfall.
- It is our understanding the applicant is desirous of access to the site from south bound traffic on County Highway 91. Upon roundabout construction, this movement would require approval by the County and a county-approved left turn lane. It is the opinion of the City Engineer's office that this left turn lane would benefit development relying on the access to County Highway 91 depicted on these drawings and would not benefit the City's taxpayers (the turn lane would not be required but for the development). Accordingly, it is recommended the cost for any left turn lane or partial, make-ready, improvement related to it be borne by the applicant.

It is recommended the Development Agreement for the project state that if the developer desires access to the site for southbound traffic on County Highway 91 he be required to post escrow in the amount of \$150,000 for the city to include the left turn lane in the roundabout construction. The city cannot guarantee approval of a left turn movement or turn lane in this location by Scott County. If the inclusion of a turn lane is not included for any reason, the amount escrowed would be returned to the developer less any design and administration fees associated with application to the county for the improvement. Any excess of the escrow after construction would be returned to the applicant. He would be billed for any shortfall.

OR

It is recommended the Development Agreement for the project state that if the developer desires the ability to create access to the site for southbound traffic on County Highway 91 in the future (post roundabout) he be required to post escrow in the amount of \$36,000 for the city to include only widening of the grading for a future left turn lane in the roundabout construction. No curbs or pavement section components, markings or signage for a left turn lane would be constructed with the roundabout; however, the widening would facilitate later construction of a left turn lane at the applicant or his successor's expense if so desired by the applicant or his successor. The city cannot guarantee approval of a left turn movement or turn lane in this location by Scott County. If the inclusion of widening for a turn lane is not included for any reason, the amount escrowed would be returned to the developer less any design and administration fees associated with application to the county for the improvement. Any excess of the escrow after construction would be returned to the applicant. He would be billed for any shortfall.

### Vehicle Maneuvers and Circulation

Examination of the plans and modeling of certain anticipated maneuvers by typical vehicles used to service similar land uses indicates a potential for several maneuver and circulation problems:

Date: January 11<sup>th</sup>, 2018

- Engineer's office vehicle modeling indicated inadequate radii and/or pavement widths to avoid encroachments into oncoming lanes at site entrances and inadequate radii and/or aisle widths to avoid encroachments into oncoming lanes and parking areas within the site. The model runs also indicate a high likelihood that large trucks entering the site from CSAH 2 will begin the maneuver from the through lane rather than the right turn lane. This may mean the truck needs to wait in the through lane for a gap in the traffic exiting the site because of the encroachments described above. It is recommended the applicant be required to submit a vehicle maneuver and circulation plan for review that indicates the actual vehicle types the site is designed for, the frequency of trips for these vehicles to the site and demonstrates by wheel-path outlines the ability of various vehicles to make the maneuvers required to use and service the site. It is recommended the development agreement address the possibility of actual vehicles differing from any approved plan and what the City response would be to prevent unacceptable impacts on the City streets, county highways, adjacent developments and/or traffic associated with them. The City's review of this plan, when submitted, may result in additional engineering recommendations.
- Wide accesses and generous radii to accommodate trucks can lead to passenger vehicles entering and exiting the site at higher speeds because the resulting "curve" will be gentle for smaller vehicles. Higher speed entering and exiting reduces the attention that can be given to looking for users of the shared use paths planned for the northerly and westerly sides of the site. Flatter approach angles to the county roads for passenger vehicles afforded by the truck-based geometry of the entrances makes it harder to see trail users on the acute side. Staff anticipates that the configuration as proposed would lead to complaints from trail users and requests for measures to attempt to improve safety. No "after-the-fact" effective options to address this problem have been identified that would satisfy all users. It is recommended tactile (rather than visual-only) traffic calming features, particularly a raised pedestrian crossing at each entrance as approved by the City Engineers office, be required to promote reduced enter and exit speeds and make the crossings more prominent.
- Multiple buildings on multiple lots make it possible that the ownership of each lot may not be common. This can lead to disputes about access, drainage, and maintenance. It is recommended the city require that cross access, drainage, and utility easements be provided as necessary on the various parcels to ensure the continued use and enjoyment of a parcel. It is further recommended the Development Agreement address maintenance responsibilities to ensure responsibilities are identified to keep private infrastructure in service for the benefit of other parcels that rely on it and that the responsibilities run with the land.
- Curb is provided in several areas on only one side of the heavy-duty pavement areas apparently intended to define routes for customers, service, maintenance, and emergency vehicles traveling through the site and wishing to avoid driving through parking areas. No pavement markings or other indications of the route are apparent. It is recommended curbs be provided along both sides of this route where compatible with service truck maneuvers, and pavement markings including lane edges and centerline marking be provided over the remainder.
- It is recommended pedestrian links be provided on the northerly and westerly sides of the site to the proposed trail. Trail users will likely create desire lines if a link and opening in any fencing or landscaping is not provided. Not providing the links will force trail users to unduly mix with vehicle traffic in access lanes for extended distances.

### Stormwater Management and Wetlands

Date: January 11<sup>th</sup>, 2018

The applicant is proposing to alter a storm water pond owned by Scott County. This intention is supported by the City Engineer's office; however, written approval will be required from Scott County to alter this facility. The following comments are offered relative to storm water management and wetlands:

- It is recommended the applicant be required to demonstrate to the city the county's approval of the pond use and modification in writing in a form agreeable to the County. Pond sizing was not reviewed as this will need to be approved by Scott County.
- It is recommended the portion of the pond to be created on the parcel, the new pond on the south side of the site, and the wetland and any buffer areas be platted in a separate parcel dedicated to the city rather than in an easement.
- The plans do not include a Stormwater Pollution Prevention Plan meeting the requirements of the MPCA for a General Permit for Construction under the National Pollutant Discharge Elimination System program. This permit and supporting documents will be required. It is recommended they be a condition of approval.
- It is recommended as a condition that the applicant be required to submit a Wetland Replacement Plan application to the City as LGU for the Wetland Conservation Act and demonstrate that approval or a determination of non-jurisdiction from the Army Corps of Engineers has been granted. A portion of the wetlands on the site are also Public Waters wetlands requiring approval or waiver of jurisdiction from the Minnesota Department of Natural Resources.
- Minimum buffer widths in the City's code are not met on the submitted plans. It appears the average buffer width is being met by providing excess buffer width in some areas. It is not recommended additional fill be placed to create minimum buffers; therefore, it is recommended any replacement plan be required to include application for a variance to accept a deviation from the minimum buffer requirements.
- Disturbance will occur within 50 feet of wetlands. It is recommended that redundant sediment controls at the outer edge of buffers be added to the plans to be in place prior to construction and remain in place until the site is stabilized in order to conform to the above-referenced general storm water permit.
- No storm water volume-reduction measures are proposed for the site. Infiltration practices would be prohibited by city code and the MPCA general permit due to the fueling station activity. Runoff is proposed to be treated by a wet-sedimentation basin as required for the non-captured runoff volumes. It appears volume reduction requirements for city code and the general permit are met for this site.
- The City's Engineering Manual requires all runoff up to and including that from a 100-year storm be routed via emergency overflow routes to storm water management facilities and not bypass them. It does not appear conveyance systems for storms larger than the proposed pipes can handle are provided to achieve this requirement. No storm sewer pipe sizing computations were provided to demonstrate pipes can convey a 10-year storm to the pond or that inlets can admit the flow rates without bypass to the wetland. It is recommended the applicant be required to amend the plans to convey runoff from storms between the 10 and 100-year return periods to ponds, either by surface or oversized pipes and inlets, and to submit calculations affirming the system can minimally admit and convey the 10-year storm.

### Sanitary Sewer and Water Service

The following comments apply to sanitary sewer and water distribution plans for the site:

Date: January 11<sup>th</sup>, 2018

- The watermain shown through the site is planned to be a 16-inch trunk pipe. The city will pay oversizing (the difference between 16-inch and typical bid prices for 8-inch watermain, valves, and fittings.)
- Staff recommends the City be responsible to maintain potable water mains and hydrants and any sanitary sewer mains due to the potential to affect off-site users and the specialized knowledge and equipment required. It is preferred that the watermain and sanitary sewer mains (any pipe serving more than one building) be in the county highway right of way, if possible. It is recommended the plans be modified to place the mains off site while maintaining the required separation and clearance from features that would impede future open-trench access to the utilities. It appears separate sewer mains can be avoided if individual building sewers are installed to existing mains on the northerly and westerly sides of the site, in cross access utility easements as necessary to allow parcels continued rights if ownerships change. Connect no services to manholes. Connection of services to the existing 12-inch mains with wyes and water-tight saddles would be permitted. If moving utilities off site is not feasible, easements in favor of the city for all water and sewer mains and hydrants, along with access rights to the easements, will be required. The Development Agreement would need to stipulate that the property owner is responsible for restoration costs should any on-site mains or hydrants need to be exposed for maintenance, repair, or replacement. Water extended to the south would need to extend at least 12 feet past any pavement to facilitate future extensions.

### Landscaping

The following comments are based on the submitted landscape plan:

- The City Engineer recommends no over-story trees or canopies thereof be permitted within the trench zone of water or sewer mains. This is to avoid the potential for damage to the trees or branches in the future should maintenance, repair, replacement, or modification of the utilities require excavation to expose them.
- The proposed retaining walls will require a design be prepared and submitted by a licensed and qualified engineer that addresses the soil, moisture, height, layout and loading conditions. It is recommended the wall be private and the city not be responsible for its maintenance. The Development Agreement will need to address the maintenance needs of the wall to ensure the adjacent wetland is protected and through-access is maintained.

### **RECOMMENDATION**

A recommended overall condition of approval is that revised site-work plans and required computations be submitted and approved by the City Engineer prior to any further disturbance of the site.

End of Memo



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## MEMORANDUM

**Date:** October 24, 2016  
**To:** Thomas Terry, City Administrator  
**From:** Rich Revering PE, City Engineer  
**Subject:** Parcel Access Requirements  
Southeasterly Quadrant of CSAHs 2 and 91  
Elko New Market, Minnesota  
T15.100719

---

### INTRODUCTION

Access issues have been discussed and evolving at the above-referenced site for several years now. The recent award of Federal funding for a roundabout at the intersection in 2020 caused staff to reach out to Scott County to discuss how access would be affected and to agree on requirements that would be relayed to the developer of the site for his planning and design use.

The "Scott County Access Requirements" listed below reflect City Staff members' understanding of the County Highway Department's position; however, the plans still remain subject to County review and County opinions may change with new information or insights.

### DISCUSSION

#### I. Scott County Access Requirements

- a. Long-Term (Assumes Roundabout is In Place)
  - i. Access to CSAH 2
    1. *Access will be Right In/Right Out only. The existing median will be kept in place.*
    2. *The access will require a right turn lane unless none can safely fit the available space. The length will be determined through a roundabout analysis (preliminary design).*
    3. *The access must be in a right of way dedicated to the City of Elko New Market (public). The access permit will be issued only to the City.*
    4. *The access must align perpendicularly to CSAH 2 so vehicles waiting to*

*exit have the best possible sight distance for oncoming traffic and to discourage exiting the site at higher speeds and/or less caution.*

ii. Access to CR 91

1. *The default approvable access will be Right In/Right Out. A median constructed with the roundabout will deter left turns. If petitioned for by the City (on behalf of the Developer, for example), a south-bound left turn would be considered; however, a left turn lane or bypass lane would be required, and approval is not promised. Costs to widen CR 91 for a left turn or bypass lane, including rights of way acquisition, would be a local (non-county and non-federal) cost. (City staff recommends this local cost be assigned to adjacent and benefitting development).*
2. *The access would need to be in a City Right of Way and public. The access would need to be accessible to the neighboring parcel to the south via location on a common boundary or by easement. The access must be as far south as possible on the parcel. The access permit will be issued only to the City.*
3. *A standard right-turn lane for NB traffic would be required at local (City staff recommends developer) cost.*
4. *The access must align perpendicularly to CR 91 so vehicles waiting to exit have the best possible sight distance for oncoming traffic and to discourage exiting the site at higher speeds and/or with less caution. (See Street Connection Schematic, attached)*

b. Interim Condition (Roundabout Improvements Is Not Yet In Place)

i. Access to CSAH 2

1. *No right turn lane will be required<sup>1</sup>.*
2. *The access must be in a right of way dedicated to the City of Elko New Market (public). The access permit will be issued only to the City.*
3. *The access must align perpendicularly to CSAH 2 so vehicles waiting to exit have the best possible sight distance for oncoming traffic and to discourage exiting the site at higher speeds and/or with less caution. See Street Connection Schematic.*
4. *The access must allow trucks to exit the site with no encroachment on incoming lanes so traffic waiting to enter cannot be backed up onto the highway. See Street Connection Schematic.*
5. *Connections to the City Street (access) must be set back far enough from the highway such that entering vehicles, including trucks, are not forced to stop by conflicting movements and potentially impede highway traffic. See Street Connection Schematic.*

ii. Access to CR 91

1. *Full access during interim between development and roundabout*

*construction.*

2. *The access would need to be in a City Right of Way and public. The access would need to be accessible to the neighboring parcel to the south via location on a common boundary or by easement. The access must be as far south as possible on the parcel. The access permit will be issued only to the City.*
3. *A standard right-turn lane for NB traffic would be required at local cost.*
4. *A south-bound left-turn lane may not be required:*
  - a. *County staff not on board yet – will review site traffic study*
  - b. *Security would be required in case problems such as crash-history or chronic complaints develop<sup>2</sup>*
  - c. *The developer could opt to construct a left turn or bypass lane at his cost in lieu of security and potential construction by others. See I.A.2.a).*
5. *The access must align perpendicularly to CR 91 so vehicles waiting to exit have the best possible sight distance for oncoming traffic and to discourage exiting the site at higher speeds and/or less caution. See Street Connection Schematic*
6. *The access must allow trucks to exit the site with no encroachment on incoming lanes so traffic waiting to enter cannot be backed up onto the highway. See Street Connection Schematic.*
7. *Connections to the City Street (access) must be set back far enough from the highway such that entering vehicles, including trucks, are not forced to stop by conflicting movements and potentially impede highway traffic. See Street Connection Schematic.*

<sup>1</sup>Right of way would need to be dedicated and provisions made such as a Letter of Credit or other security to compel the development to install a right turn lane at its cost when the roundabout is constructed or if, for some reason, the roundabout does not materialize. Premature construction of the lane (pre-roundabout) may result in economic waste if not compatible with roundabout design.

<sup>2</sup>The security would also provide for implementation of a LT lane if the roundabout did not materialize.

## II. City Additional Access Requirements

### a. Long-Term (Assumes Roundabout is In Place)

#### i. Access to CSAH 2

1. *Shared-Use-Path crossing of City Streets (access) shall meet ADA requirements, minimize pedestrian exposure to incoming and exiting vehicles, and ensure adequate visibility is maintained between path users and vehicle traffic. Refer to the attached ADA details.*

#### ii. Access to CR 91

1. *Shared-Use-Path crossing of City Streets (access) shall meet ADA requirements, minimize pedestrian exposure to incoming and exiting vehicles, and ensure adequate visibility is maintained between path users and vehicle traffic. Refer to the attached ADA details.*

#### iii. Overall Public Access to Site

##### 1. *Option 1 – Public dead end streets into site*

- a. Connections to City street meeting above requirements
- b. No parking on City streets
- c. 11-foot lane widths with 2-ft curb reaction distance (26 feet face to face).
- d. Provisions for snow storage adjacent to roadway and turnaround meeting any applicable environmental requirements.
- e. 10-ton design standards based on MnDOT flexible pavement design method, site soils, and traffic volumes and mix estimated by qualified traffic consultant.
- f. Provisions for maintenance and emergency vehicles to turn around with no encroachment on private property or need to back out onto County highways. Some possible turnaround configurations are attached.

##### 2. *Option 2 - Provide a City Street through the site from the CSAH 2 Access to the CR 91 Access (this option subject to Council acceptance):*

- a. Per requirements in Option 1, less the turnaround provisions.

b. Interim Condition (Roundabout Improvements Is Not Yet In Place)

i. Access to CSAH 2

1. *See long-term*

ii. Access to CR 91

1. *See long-term*

2. *Interim full-access may mean longer waits at certain times of day for cars leaving the site and wanting to turn left to go south bound. This may delay and frustrate drivers behind them that are wanting to turn right. Consider providing sufficient access width to mark a left and right turn at this exit. The left turn can be converted to a pedestrian refuge or a median to further discourage illegal left turns after the roundabout is constructed in the future. This is a suggestive condition for the convenience of customers to the site; it is not a City or County requirement.*

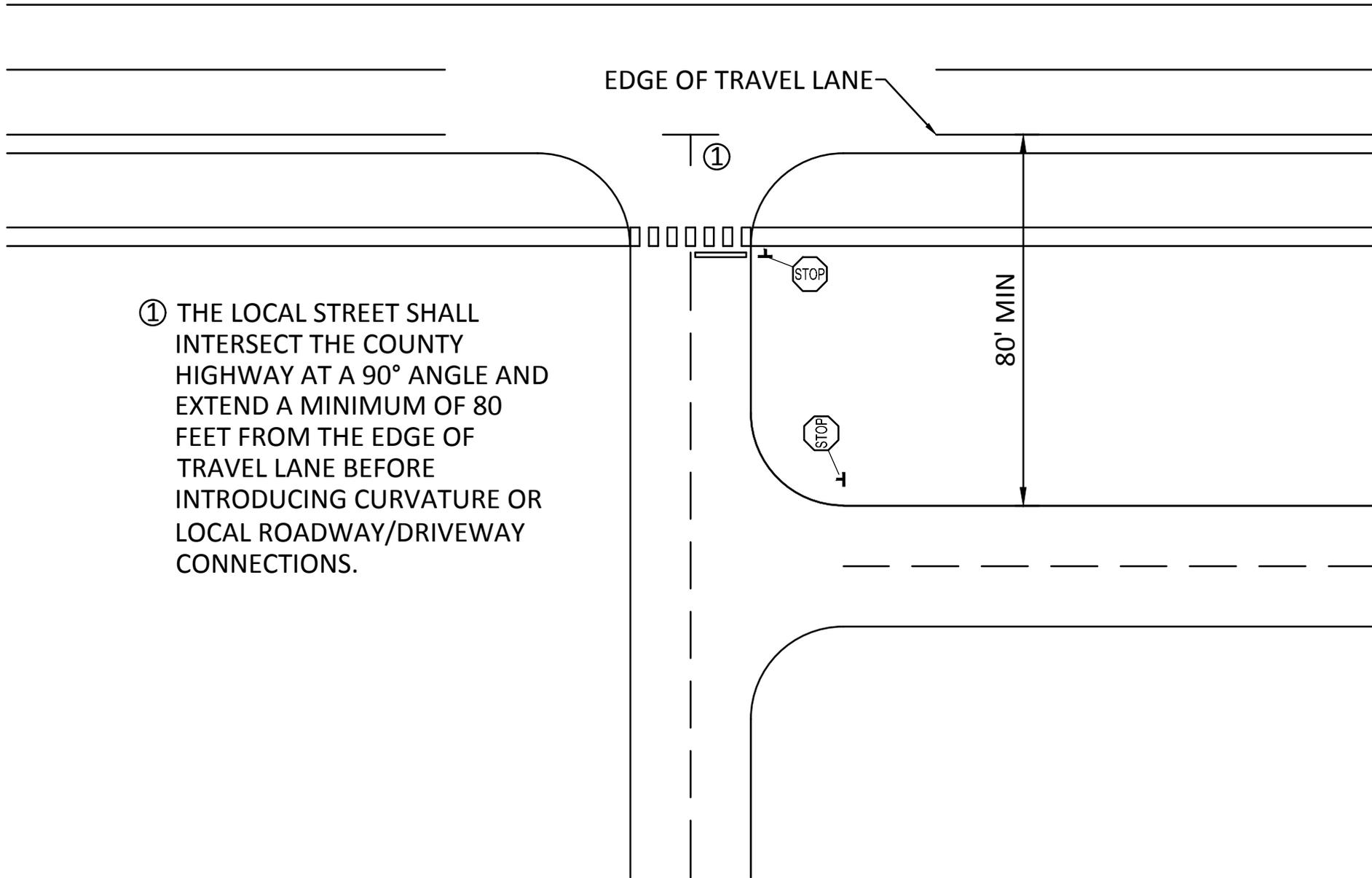
iii. Overall Public Access to Site

1. *See long-term.*

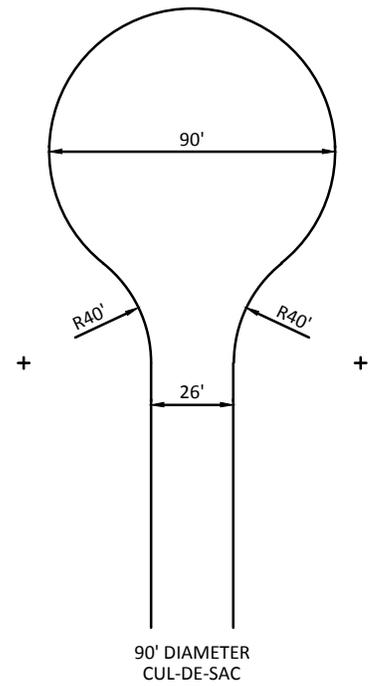
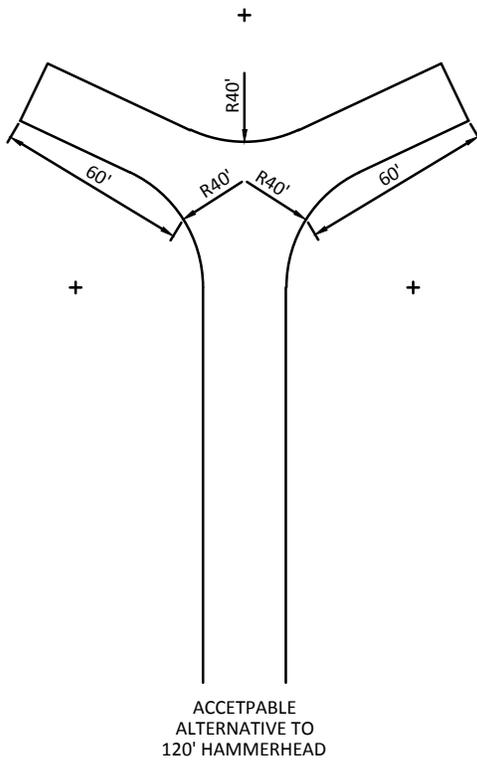
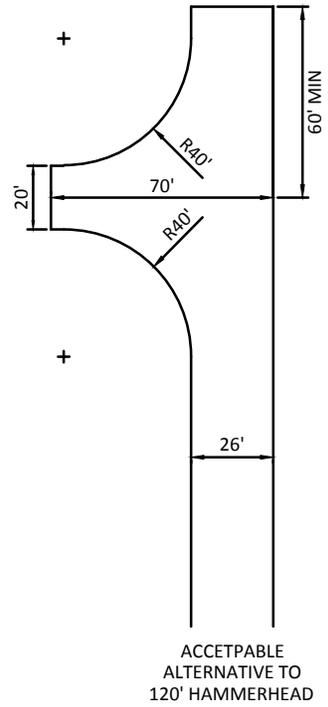
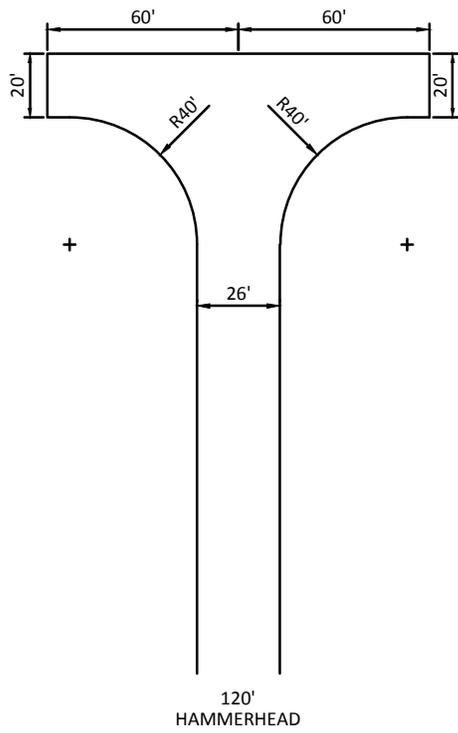
## RECOMMENDATIONS

Require the developer of the site to apply these requirements to the layout of the site.

***End of Memo***



① THE LOCAL STREET SHALL INTERSECT THE COUNTY HIGHWAY AT A 90° ANGLE AND EXTEND A MINIMUM OF 80 FEET FROM THE EDGE OF TRAVEL LANE BEFORE INTRODUCING CURVATURE OR LOCAL ROADWAY/DRIVEWAY CONNECTIONS.





601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** WARREN BARSNESS, JOEL COOPER, DALE RUNKLE  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**SUBJECT:** CONCEPT PLAN REVIEW OF WARREN BARSNESS COMMERCIAL DEVELOPMENT, CONSISTING OF THREE FREE STANDING BUILDINGS, ONE OF WHICH INCLUDES A GAS STATION AND CAR WASH  
**DATE:** AUGUST 12, 2016

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### Background / History

The City has been working with Warren Barsness regarding a possible commercial development located at the southeast quadrant of Co Rd 2 and Co Rd 91. Shown on the current concept plan are three freestanding buildings, one of which contain a gas station and attached car wash facility. Indications from the developer are that retail and office uses are also being proposed.

A hand sketched concept plan was submitted to the City in the fall of 2015. City staff submitted high-level written comments to the developer on September 15, 2015. City staff received a preliminary grading and drainage plan, and a preliminary utility plan from James R. Hill on July 7, 2016. Available for review at the time of the report were the following documents:

- Preliminary grading and drainage plan, submitted July 7, 2016
- Preliminary utility plan, submitted July 7, 2016
- Traffic Impact Study prepared by Spack Consulting, dated November 13, 2015
- Wetland Delineation Report prepared by Michael Whitt, dated April 1, 2016
- Minnesota Routine Assessment Method (wetland) report prepared by Michael Whitt, dated June 8, 2016
- Concept elevation plans, hand-drafted and undated
- Architectural rendition of gas station building, hand-drawn and undated

### Legal Description

The proposed development consists of a ten-acre parcel currently described by metes and bounds, as follows:

The West 660.00 feet of the North 660.00 feet of the Northwest Quarter of Section 27, Township 113, Range 21, Scott County, Minnesota; subject to road easements over the west 33.00 feet and the North 33.0 feet thereof. (Parcel ID 23-927006-2)

The property will need to be platted prior to development.

### **Neighborhood Conditions**

To the north of the property is undeveloped farm land. To the east is a large DNR protected wetland area, and the post office & racetrack beyond the wetland. To the south is undeveloped property. To the west is a vacant lot and single family residential development. The proposed development seems generally compatible with the surrounding land uses.

### **Comprehensive Land Use Plan**

The City's comprehensive land use plan guides the property to a "Town Center" land use designation. The comprehensive plan contains the following language regarding Town Center:

*"This classification is a special designation for the recognized traditional Town Centers which have retained attributes of a "downtown" and provide a sense of place based on historic nature and character elements, which include awnings, street lighting, signage, etc. This classification strives to balance the civic center and contemporary commercial features with new cultural focused institutions and enterprises, and redevelopment potential of retail and service uses. The Town Center may be characterized as a service hub with limited retail shopping convenience. Pedestrian circulation within, as well as to the area will be a distinguishing feature. New development can provide for limited residential uses, excluding single family detached dwellings, and can be integrated with the commercial and service environment. Convalescent care facilities and congregate senior citizen housing are appropriate uses at selected locations."*

The proposed use of the property meets the intent of the guided land use for the area. Design features of a traditional downtown should be incorporated into the site and building façade. Pedestrian circulation to and within the site will be an important design element.

### **Zoning**

The property is currently zoned B1, Neighborhood Business District. The purpose of the B1 district is to provide for the establishment of local centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished.

Motor fuel stations, commercial car washes, and offices are allowed with an approved conditional use permit. Numerous retail uses are allowed as permitted uses within the district, as well as restaurants within a building having another principal use.

Development of the property with the currently proposed uses requires an approved conditional use permit, or approval of a planned unit development.

### **Lot Size**

The gross area of the property is 10 acres. The net area of the property as indicated on Scott County's GIS is 8.62 acres. The minimum lot size in the B1 district is 20,000 square feet.

Information regarding proposed lot sizes has not been submitted; therefore, planned lot sizes cannot be evaluated.

### **Setbacks**

The required structure setbacks in the B1 zoning district are 65' from minor arterial roadways (both Co Rd 2 & Co Rd 91), 20' from a side property line and 30' from a rear property line.

The buildings appear to meet the required setbacks, except the easterly building, which appears to be proposed at approximately 55' from the Co Rd 2 right of way which is closer than the required 65'.

The motor fuel station canopy is proposed at 35' from the right-of-way, which meets the required 30' setback.

### **Height Requirements**

Structures shall not exceed 35' in height in the B1 zoning district. The fuel island canopy shall not exceed 18' in height, and shall be a minimum of 14' in height. The proposed building height and canopy height have not been submitted.

### **Design Requirements – Chapter 5 & 26**

Title 11-5-1-A-4(b) identifies allowable exterior building materials for commercial zoning districts. Acceptable materials include brick, concrete composite board, stone, precast concrete panels, rock face concrete block, wood, glass curtain wall panels, stucco or EIFS, steel, aluminum or fiber cement siding.

In addition to the above requirements, Title 11-26A-4 of the city code contains architectural requirements specific to motor fuel stations, as follows:

1. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.
2. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.
3. Exterior wall treatments such as brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

The proposed building materials for the buildings have not been submitted. Based on the architectural renditions it appears the gas station building may be proposed using concrete tilt up panels.

### **Canopy & Pump Island Design**

Below are design requirements for pump-islands and canopies in the B1 zoning district:

1. The edge of the canopy shall be thirty feet (30') or more from the front and/or side lot line; provided, that adequate visibility both on site and off site is maintained.
2. The canopy shall not exceed eighteen feet (18') in height and shall provide fourteen feet (14') of clearance to accommodate a semitrailer truck passing underneath.
3. The canopy fascia shall not exceed three feet (3') in vertical height.
4. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
5. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure; provided, that the individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way.
6. Canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.
7. Pump islands shall comply with the following performance standards:
  - a. Pump islands shall be elevated six inches (6") above the traveled surface of the site.
  - b. All pump islands shall be set at least thirty feet (30') back from any property line. Additionally, the setback between the pump islands' curb face shall be at least twenty four feet (24').

### **Drive-Thru**

No drive-thru facilities are shown on the current site plan. Should a drive-thru be proposed incorporated into future site plans, not less than 120' of stacking space shall be provided for single service lanes. Drive-thru windows are also to be screened from view of public rights-of-way and residential districts. Drive-thru regulations associated with car washes have separate regulations.

### **Parking – Chapter 9**

Parking requirements can be found in Title 11-9 of the city code. Parking areas must have a concrete curb barrier and be setback 5' from the property line (and entirely outside of easement areas). Parking stalls must be striped with white or yellow paint not less than 4' wide. Parking areas shall be surfaced with concrete, bituminous or pavers. Parking stalls shall be a minimum of 9' x 18' and drive aisles shall be a minimum of 24' in width. It appears that the dimensions of the parking lot drive aisles and parking stalls comply with city code.

The number of parking spaces required is based on the proposed use of the buildings. Below are sample parking requirements for uses shown on the concept plan or that may be likely to locate on the site. Parking requirements are as follows:

Commercial:

- Office – 1 space per 400 square feet of floor area
- Car wash (accessory to motor fuel station) – 4 off-street stacking spaces per drive-through car wash. The bay inside the car wash shall not be considered a stacking space.
- Convenience grocery – 1 space per 100 square feet of floor area. Parking areas at pump islands may be counted as parking spaces.
- Fitness center – 1 space per exercise station, plus 1 space per employee on the largest work shift.
- Motor fuel station – 1 per pump, plus 1 per employee on the largest shift. With convenience grocery, include 1 per 100 square feet of floor area. Parking areas at pump islands may be counted as parking spaces.
- Restaurant, fast food – 1 per 50 square feet of floor area, plus 1 per employee on largest shift.
- Restaurant, sit down – 5 per 1,000 square feet of floor area
- Retail & multiple occupancy retail service buildings– 1 per 250 square feet of floor area

Staff is not able to verify the parking requirements are being met; building square footages and proposed uses are needed in order to verify. It is the developer's responsibility to demonstrate compliance with the city's parking requirements by providing detailed information for each proposed building and use. Although the dimensions of the parking lot drive aisles and parking spaces appear to comply with city code, staff notes that the parking areas in general are shown too close to the right-of-way lines. The curbing is currently shown within areas where drainage and utility easements will be required, and where landscaping is required.

### **Landscaping – Chapter 10**

A landscaping plan and planting schedule meeting the requirements of Title 11-10 and Title 11-26A-4 must be submitted for review and approval. Landscaping is not permitted within public rights-of-ways, and is highly discouraged within public drainage and utility easement as these areas are to be reserved for utilities.

Title 11-10-4 of the city code contains the following regulations specific to the B1 zoning district:

1. At least twenty five percent (25%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.

Warren Barsness, Concept Plan Review

8/12/2016

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2. A minimum landscaped buffer area thirty feet (30') in width shall separate any parking, driveway, or structure from a lot line common with any residential district.
3. All properties abutting residential districts shall provide in-ground irrigation systems to all landscaped areas.
4. All areas disturbed by grading which are not built upon, paved or retained as a natural area shall be sodded and/or landscaped unless specifically approved as part of the overall landscape plan.
5. All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, of good quality, and disease-free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting.

In addition to the above requirements, Title 11-26A-4 of the city code contains landscaping requirements specific to motor fuel stations in the B1 zoning district, as follows:

1. Minimum required green area shall be in accordance with the provisions of [chapter 10](#) of this title (above).
2. At the boundaries of the lot, the following landscape area shall be required:
  - a. From side and rear property lines, an area of not less than ten feet (10') wide shall be landscaped in compliance with [chapter 10](#) of this title.
  - b. From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with [chapter 10](#) of this title.
  - c. Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in accordance with section [11-5-4](#) and [chapter 10](#) of this title.
  - d. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

Additional information regarding landscaping requirements can be found in Title 11-10 of the city code.

### **Lighting – Chapter 4 & 26**

A lighting plan must be submitted which complies with Title 11-4-7 of the city code. Exterior lighting shall not exceed .5 foot-candles at the property line when adjoining residential properties, and 1 foot-candle at the property line when adjoining a similar zone and land use.

In addition to the above requirements, Title 11-26A-4 of the city code contains lighting requirements specific to motor fuel stations in the B1 zoning district, as follows:

Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section [11-4-7](#) of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

1. Canopy Lighting: Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy shall not exceed one hundred fifteen (115) foot-candles at ground level.
2. Illumination: Maximum site illumination shall not exceed limits set forth in section [11-4-7](#) of this title. (above)

## Signage – Chapter 12

A comprehensive plan for signage must be submitted for review and approval. Staff understands that it is not possible to submit detailed sign information at this time, however, the general location, size and type of proposed signs should be included in the application. Additional information regarding the sign regulations can be found in Title 11-12 of the city code. Consistent with the objections of the “Town Center” land use designation, signage that would be compatible with a historic downtown is encouraged.

## Easements

The City’s Subdivision Ordinance (Chapter 9-6 (A)) requires that drainage and utility easements shall be provided on all lot lines. At a minimum, these easements shall be 10’ wide along all lot lines along streets and along all boundaries with land not being developed.

10’ wide drainage and utility easements shall be shown along all property lines. It should be noted that the perimeter curb line, as shown on the current concept plan, is located only 5’ from the property line. The curbing will not be allowed within the drainage and utility easements.

## Access / Roads / Transportation Issues

The development borders two existing roads, both of which are Scott County jurisdictional roadways. Roads, functional classification of the roads, and comments are as follows:

County Road 2 / Main Street, A Minor Arterial Roadway. – The purpose of a minor arterial roadway is to link urban areas to principal arterials (such as I35) and larger towns. The emphasis of these roadways is mobility as opposed to access. Traffic volumes on this section of Co Rd 2 are approximately 9,200 vehicles per day; and are expected to grow to nearly 22,000 vehicles per day upon full build-out of the area identified in the City’s Comprehensive Plan. The speed limit is 55 mph. The roadway is under the jurisdiction of Scott County. Preliminary comments were provided by Scott County in the summer of 2015, and Scott County comments on the current concept plan are contained in the attached memo dated August 8, 2016. Comments relating to Co Rd 2 are as follows:

- The County will permit a right-in/right-out on Co Rd 2. The access on Co Rd 2 requires a right turn lane.
- The concept shows a  $\frac{3}{4}$  access on Co Rd 2. The  $\frac{3}{4}$  access would not be permitted. The left turn movement from Co Rd 2 shall be conducted at the Co Rd 2 and Co Rd 91 intersection.
- Any access shall be required to be a public street. The public street does not appear to be identified on these plans.
- The minimum right-of-way for minor arterial roadways is 75’ from centerline. Additional right-of-way along Co Rd 2 may be needed to provide for the required turnlane and taper. Detailed cross sections in this are showing the turn lane, trail, boulevard, etc. are required.
- Any work within the County right-of-way requires a County permit.

The current concept plan proposes an eastbound right-in, right-out access on Co Rd 2, as well as a westbound left  $\frac{3}{4}$  access into the site. Scott County will allow the right-in, right-out access on Co Rd 2, but will not allow the  $\frac{3}{4}$  access. Future plan submittals must show the eastbound right turn lane into the site from Co Rd 2, access via a public street connection (public right –of-way), and removal of the  $\frac{3}{4}$  access, as required by Scott County.

County Road 91 / Natchez Avenue, B Minor Arterial Roadway. The purpose of a minor arterial roadway is to link urban areas to principal arterials (such as I35) and larger towns. The emphasis of these roadways is mobility as opposed to access. Traffic volumes on this section of Co Rd 91 are approximately 4,050

vehicles per day; and are expected to grow to nearly 11,000 vehicles per day upon full build-out of the area identified in the City's Comprehensive Plan. The speed limit is 55 mph. The roadway is under the jurisdiction of Scott County. Preliminary comments were provided by Scott County in the summer of 2015, and Scott County comments on the current concept plan are contained in the attached memo dated August 8, 2016. Comments relating to Co Rd 91 are as follows:

- The access on Co Rd 91 would require both a right turn lane and left turn lane.
- Access shall be required to be a public street. The public street does not appear to be identified on these plans.
- The minimum right-of-way for minor arterial roadway is 75' from centerline. Detailed cross sections showing the turn lane, trail, boulevard, etc. are required.

The current concept plan proposes a full movement intersection on Co Rd 91 at the south end of the property. Scott County will allow the full movement intersection and requires both right and left turn lanes into the site. Future plan submittals must show turn lanes into the site, and access via a public street connection (public right-of-way), as required by Scott county.

### **Trails**

The City's 2030 Park & Trail Plan identifies a proposed sidewalk / trail corridor along the south side of Co Rd 2 and the east side of Co Rd 91. The City's Transportation Plan also recommends that sidewalks or trails be constructed adjacent to all minor collectors, major collectors, and minor arterial roadways. Consistent with both of these adopted plans, city staff recommends that a trail be constructed along the south side of Co Rd 2 and the east side of Co Rd 91 concurrent with the development. The trail can be constructed within the county road right of way.

### **Wetlands**

A wetland delineation report prepared Whitt Environmental Services has been submitted. The report indicates a large wetland on the subject property. The delineated boundary corresponds approximately with the 1130 contour line. The delineated wetland boundary connects to a DNR protected water with an ordinary high water mark of 1126.4. The wetland delineator has opined that the City of Elko New Market, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, and the U.S. Army Corp of Engineers all have jurisdiction over the wetlands on or adjacent to the site.

The concept plans submitted shows a large area of wetland proposed to be filled. The City has not currently received any formal applications to fill/mitigate the wetlands on the site. In that process, it is required that the applicants first avoid, then minimize, and finally mitigate any wetland impacts on the site. City staff is concerned about the required sequencing process, especially as it pertains to filling needed to accommodate the southerly building on the site.

The current site plan, which shows substantial filling of wetlands on the site, cannot be approved until an application for wetland mitigation has been submitted, and the wetland sequencing process has been completed and approved by the Elko New Market City Council. The developer shall prepare an application for wetland mitigation that describes shows how the sequencing is being met.

### **Wetland Buffer Requirements**

Title 11-11-4 (C) of the city code requires vegetative buffers be maintained adjacent to delineated wetlands. The buffer width is dependent upon the functional assessment (quality) of the wetland. A MnRAM report prepared by Whitt Environmental Services has been submitted. The results of the report indicate that the wetland must have a wetland buffer with an average width of 30' and a minimum width of 25'.

The city code also states the following:

“The first 25’ of buffer, as measured from the wetland, cannot be disturbed during project construction (i.e. cleared or graded, except for temporary disturbances for public roads and utility construction) and shall be protected from disturbance with temporary fencing prior to construction. Vegetation can be replaced and site soils preparation work completed within the first 25’ if necessary to establish acceptable buffer vegetation in accordance with these wetland regulations.”

The current concept plan does show grading within the buffer area. Because the city has not received or approved any formal applications showing the extent of proposed wetland filling, it is difficult to evaluate buffer widths and building setbacks to the wetlands. The northeasterly building is shown less than 15’ from the wetland boundary, which is closer than the required 25’ to 30’ buffer.

### **City Engineer Comments**

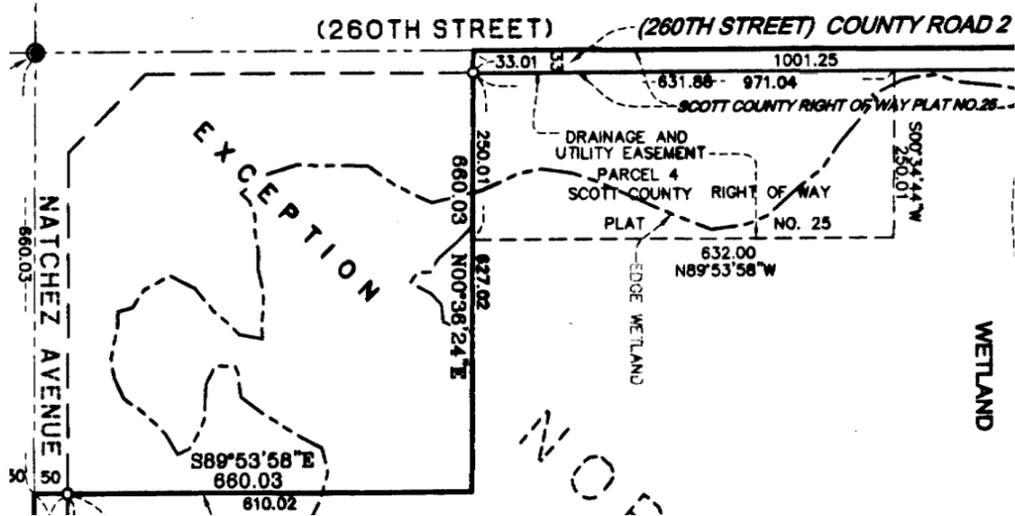
The city engineer submitted preliminary comments on the current concept plan in an email dated July 11, 2016 (attached). Comments are categorized by transportation, stormwater, sanitary sewer, and water. The city engineer notes that additional information is needed.

### **Stormwater**

The current concept plan shows that the developer intends to route the stormwater runoff from the entire site into a pond on the adjacent property (to the east) owned by Tom Ryan, into a pond constructed by Scott County, and maintained by the City. The city engineer is currently working with Scott County engineer’s regarding the feasibility of this concept. Preliminary comments from Scott County regarding this concept are contained in an August 8, 2016 memo. County comments relating to stormwater and use of their pond are as follows:

- The concept proposes to use the County pond to discharge its stormwater to. The County pond was developed under old stormwater requirements. If drainage is directed to the County pond, the existing pond would first need to be brought into compliance with current stormwater standards. If the development desires a regional stormwater ponding approach, the County would need to be provided detailed stormwater information to understand the development’s ability to utilize/expand the existing stormwater pond. Any stormwater plans and construction would be the development’s responsibility.
- Infiltration is needed on the site that conforms with MPCA NPDES permit requirements.

Additional (preliminary) comments by the city engineer are shown in the attached email dated July 11, 2016. The City and/or County have received no information from the developer to date to address the design of the stormwater pond, stormwater calculation, or compliance with MPCA NPDES standards or City standards. If it is determined that there is available space to expand the existing pond, the City would support and encourage this. If it is determined that there is no remaining capacity in the existing pond, and that the drainage cannot be accounted for within the County easement on the adjacent property, the developer may need to account for stormwater management on site.



Drainage easement for existing pond located east of developer's property



Aerial view of stormwater pond located east of developer's property



View of existing stormwater pond located east of developer's property

### **Sanitary Sewer**

Sanitary sewer is available along both Co Rd 91 and Co Rd 2. A 6" pvc sanitary sewer connection is proposed off of a trunk line located in the Co Rd 2 (southerly) right of way. Additional information is needed about how the future buildings are to be served. Additional (preliminary) comments by the city engineer are shown in the attached email dated July 11, 2016.

### **Water**

Water is available along Co Rd 2. A 6" ductile iron water connection is proposed off of a trunk line located in the Co Rd 2 (southerly) right of way. Additional information is needed about how the future buildings are to be served, as well as how water will be extended to the property to the south. Additional (preliminary) comments by the city engineer are shown in the attached email dated July 11, 2016.

### **Public Works Director Comments**

The public works director has recommended the inclusion of hammerhead cul-de-sacs at the entrance to the development where public right-of-way is being required by Scott County, off of both the Co Rd 91 and Co Rd 2 access points.

### **Fire Chief Comments**

The fire chief has not reviewed the concept plan.

### **Police Chief Comments**

The police chief has reviewed the concept plan and would like to review the final proposed traffic flows through the site for both phase I and future phases, and he also recommends that the internal street network within the development remain private owned.

### **Building Official Comments**

The building official has not reviewed the concept plan.

### **Parks Commission Comments**

Title 12-9-8 of the city code requires that 10% of the gross area being subdivided be dedicated for public parks, trails, or open space. If no land dedication is required, the park fee is \$2,800 per acre for commercial development. The Parks Commission will make a recommendation as to whether land or cash in lieu of land should be required for the proposed development.

The item is being scheduled for the September 1, 2016 Parks Commission meeting for discussion and recommendation. If the Parks Commission requests cash in lieu of land, staff will recommend that the remaining wetland area be discounted from the required per-acre fee. Official acreage calculations will need to be submitted by the developer's engineer/surveyor.

The City's adopted Park & Trail Plan identifies future trails along the east side of Co Rd 91 and the south side of Co Rd 2. A sidewalk or trail shall be constructed along the south side of Co Rd 2, and along the east side of Co. Rd. 91 at the time of development, consistent with the City's adopted trail plan. Along Co Rd 91 to the south, there is an existing 10' wide trail, and along the south side of Co Rd 2 to the west there is a 5' wide sidewalk.

### **Scott County Highway Department Comments**

Official (preliminary) Scott County comments are contained in the attached memo from Craig Jenson dated August 8, 2012.

**Staff Recommendation:**

Staff supports the proposed use of the property for the proposed motor fuel station, car wash, convenience store and miscellaneous commercial uses. As noted in this memo there are a variety of design items that need to be addressed, and formal applications that need to be made to the city prior to development approval. The primary areas of concern are the approval for wetland mitigation, site access, and stormwater management. In addition to comments submitted by the city engineer and Scott County, the following are items to be noted or that need further attention:

1. An approved conditional use permit is required for motor fuel stations, commercial car washes, and offices, or, approval of a planned unit development is required.
2. The property is currently described by metes and bounds and needs to be platted prior to issuance of a building permit on the property.
3. The northeasterly building does not meet the Co Rd 2 setback requirement of 65’.
4. Building elevations showing exterior building design and materials must be submitted at the time of [CUP or PUD] application.
5. Details regarding the proposed pump island design and canopy design must be submitted at the time of [CUP or PUD] application.
6. The perimeter curbing as shown on the concept plan is shown too close to the right-of-way. Perimeter curbing, drive aisles, and parking stalls are not permitted within the drainage and utility easements.
7. The applicant shall demonstrate compliance with the city’s parking requirements by providing detailed information for each proposed building and use.
8. A landscaping plan meeting the requirements of Title 11-10 and Title 11-26A-4 of the city code must be submitted for review and approval. From all road rights-of-ways, an area of not less than 15’ wide shall be landscaped.
9. A lighting plan meeting the requirements of Title 11-4-7 of the city code must be submitted for review and approval.
10. A signage plan shall be submitted for review and approval at the time of [CUP or PUD] application.
11. 10’ wide drainage and utility easements are required along all lot lines, as required by the City’s Subdivision Ordinance. Drainage and utility easement shall be shown on future plan submittals.
12. Access into the site, including turn lane requirements, is subject to the requirements and approval of Scott County. Preliminary Scott County comments are contained in an August 8, 2016 memo.
13. Future plan submittals must show the eastbound right turn lane into the site from Co Rd 2, access via a public street connection (public right –of-way), and removal of the ¾ access, as required by Scott County.
14. Future plan submittals must show the right and left turn lanes into the site from Co Rd 91, and access via a public street connection (public right-of-way), as required by Scott County.
15. A 10’ wide bituminous trail along the east side of Co Rd 91 shall be incorporated into the development plans. The trail can be located within the county road right-of-way.
16. A 10’ wide bituminous trail (or 5’ wide sidewalk) along the south side of Co Rd 2 shall be incorporated into the development plans. The trail/sidewalk can be located within the county road right-of-way.
17. Filling of wetlands as depicted on the current concept plan requires compliance with Wetland Conservation Act and sequencing requirements. An application for wetland mitigation must be approved by the Elko New Market City Council.
18. An average wetland buffer width of 30’ shall be shown along all delineated wetlands.
19. The development shall comply with the recommendations of the city engineer. Preliminary engineering comments are shown in a July 11, 2016 email.
20. The current plan for stormwater management and connection to the adjacent stormwater pond is subject to the approval of Scott County and the city engineer. The applicant shall demonstrate

compliance with the city's stormwater volume and rate requirements, city and NPDES requirements.

**Attachments:**

- Street views of property
- Ordinance requirements for commercial car washes
- Ordinance requirements for motor fuel stations
- Preliminary grading plan
- Preliminary utility plan
- Architectural renderings
- Aerial site map
- City engineer email dated July 11, 2016
- Scott County comments dated August 8, 2016



**View from northwest corner of property, looking southeast**



**View from southwest corner of property, looking northeast**



**View from northeast corner of property, looking southwest**

**Commercial car washes (drive-through and self-service): provided, that:**

- A. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
- B. Magazinging or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the city engineer.
- C. At the boundaries of a residential district, a strip of not less than five feet (5') shall be landscaped and screened in compliance with section [11-5-4](#) and [chapter 10](#) of this title.
- D. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section [11-5-4](#) of this title.
- E. The entire area, other than occupied by the building or plantings, shall be surfaced with material which will control dust and drainage, which is subject to the approval of the city engineer.
- F. The entire area shall have a drainage system which is subject to the approval of the city.
- G. All lighting shall be hooded and so directed that the light source is not visible from the public right of way or from an abutting residence and shall be in compliance with section [11-4-7](#) of this title.
- H. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the city engineer.
- I. Provisions are made to control and reduce noise.

**Motor fuel stations; provided, that:**

A. Motor Fuel Facilities: Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

B. Architectural Standards:

1. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.
2. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.
3. Exterior wall treatments such as brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

C. Canopy: A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:

1. The edge of the canopy shall be thirty feet (30') or more from the front and/or side lot line; provided, that adequate visibility both on site and off site is maintained.
2. The canopy shall not exceed eighteen feet (18') in height and shall provide fourteen feet (14') of clearance to accommodate a semitrailer truck passing underneath.
3. The canopy fascia shall not exceed three feet (3') in vertical height.
4. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
5. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure; provided, that the individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way.
6. Canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.

D. Pump Islands: Pump islands shall comply with the following performance standards:

1. Pump islands shall be elevated six inches (6") above the traveled surface of the site.
2. All pump islands shall be set at least thirty feet (30') back from any property line. Additionally, the setback between the pump islands' curb face shall be at least twenty four feet (24').

E. **Dust Control And Drainage**: The entire site, other than taken up by a building, structure, or plantings, shall be surfaced with asphalt, concrete, cobblestone, or paving brick. Plans for surfacing and drainage shall be subject to approval of the city engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:

1. A minimum of four hundred (400) cubic feet of permanent pool storage capacity per acre of drainage area.
2. A minimum pool depth of four feet (4').
3. A minimum oil containment capacity of eight hundred (800) gallons.
4. Minimum maintenance inspection of two (2) times per year and/or after measurable spill events. A measurable spill shall be defined by the Minnesota pollution control agency (MPCA). Any measurable spill event shall be reported to the MPCA.

F. **Landscaping:**

1. Minimum required green area shall be in accordance with the provisions of [chapter 10](#) of this title.
2. At the boundaries of the lot, the following landscape area shall be required:
  - a. From side and rear property lines, an area of not less than ten feet (10') wide shall be landscaped in compliance with [chapter 10](#) of this title.
  - b. From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with [chapter 10](#) of this title.
  - c. Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in accordance with section [11-5-4](#) and [chapter 10](#) of this title.
  - d. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

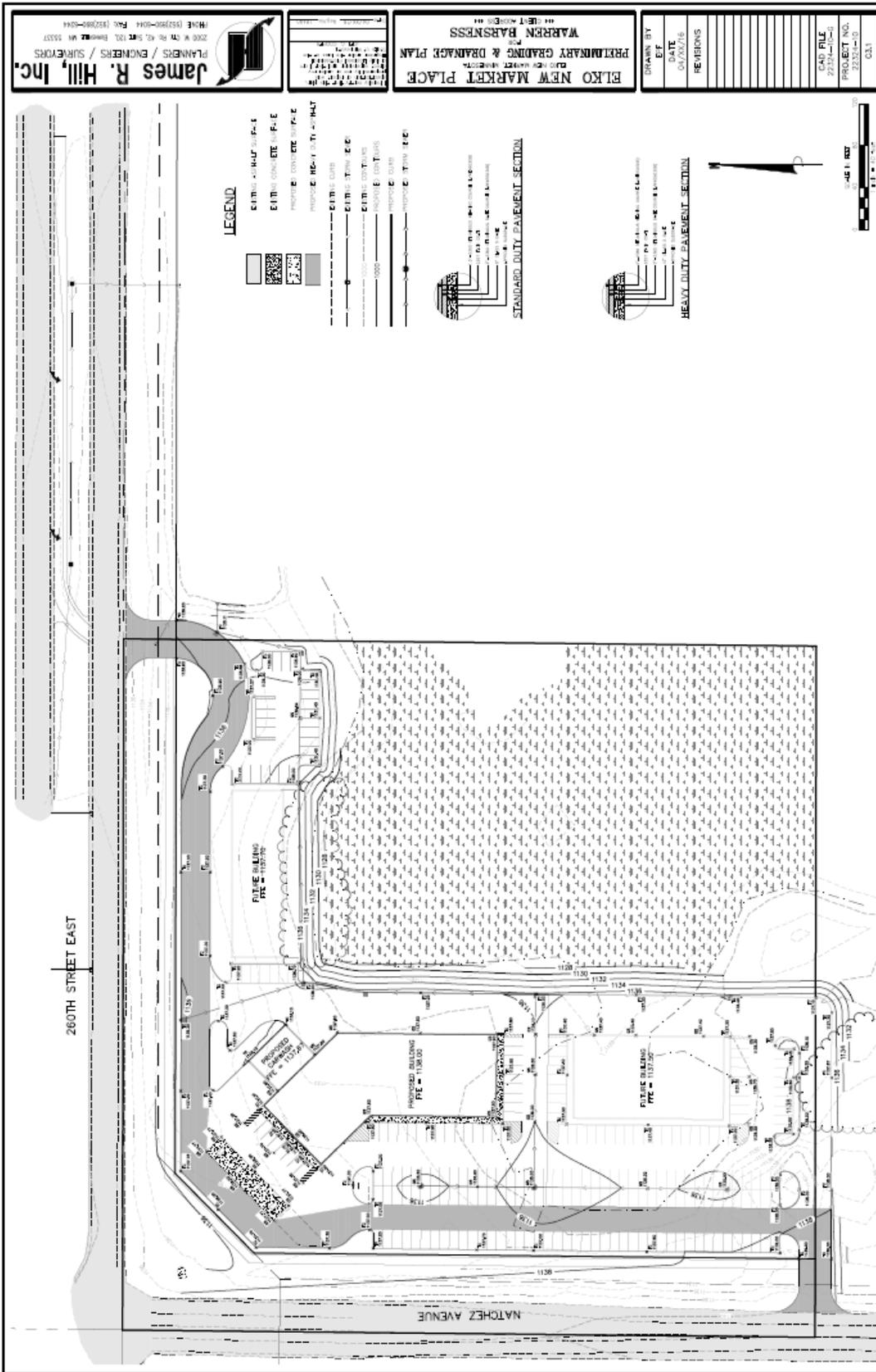
G. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section [11-4-7](#) of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

1. Canopy Lighting: Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy shall not exceed one hundred fifteen (115) foot-candles at ground level.
2. Illumination: Maximum site illumination shall not exceed limits set forth in section [11-4-7](#) of this title.
3. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with [chapter 9](#) of this title.

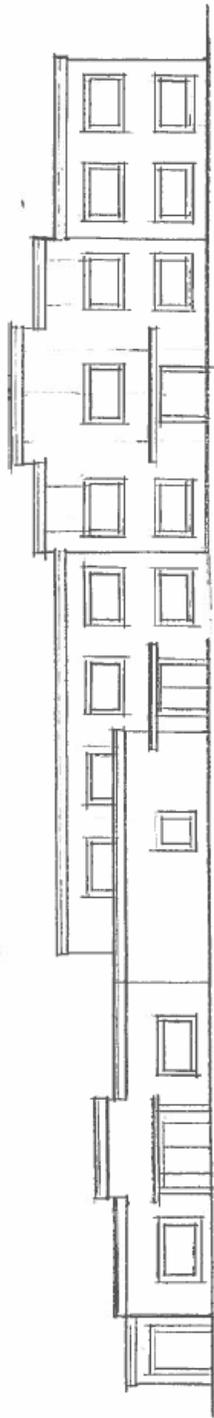
H. Circulation And Loading: The site design shall accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas shall be exclusive of off street parking stalls and drive aisles. A site plan shall be provided to illustrate adequate turning radius, using appropriate engineering templates.

I. Parking:

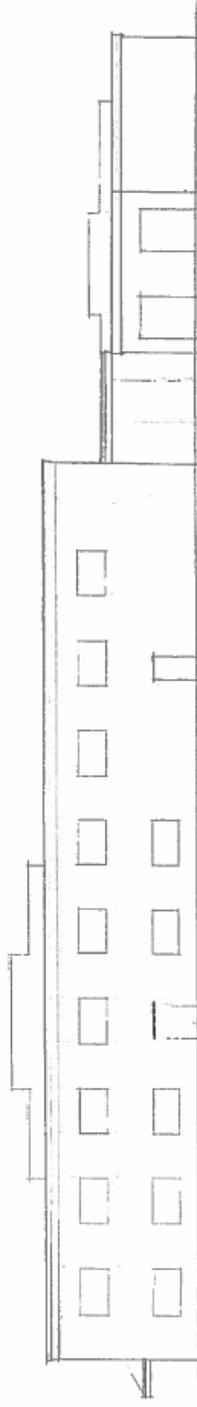
1. Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).
  2. Parking spaces shall be screened from abutting residential properties in accordance with section [11-5-4](#) of this title.
- J. Noise: Public address system shall not be audible at any property line. Playing of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated by section [11-4-8](#) of this title.
- K. Outside Storage, Sales And Service: No outside storage or sales shall be allowed, except as follows:
1. Public phones may be located on site as long as they do not interrupt on site traffic circulation and are not located in a yard abutting residentially zoned property.
  2. Propane sales of twenty (20) pound capacity tanks may be located outside, provided the propane tanks are secured in a locker and meet all state and city building and fire codes.
  3. A compressed air service area may be located on site as long as it does not interrupt on site traffic circulation.
- L. Litter Control: The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at convenient locations on site to facilitate litter control.
- M. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the city council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.



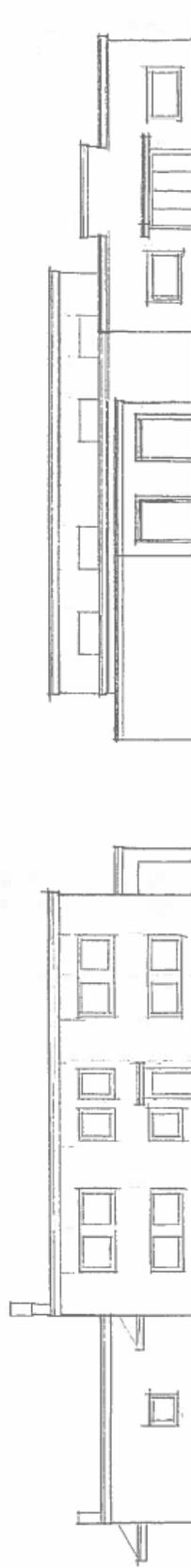




WEST ELEVATION



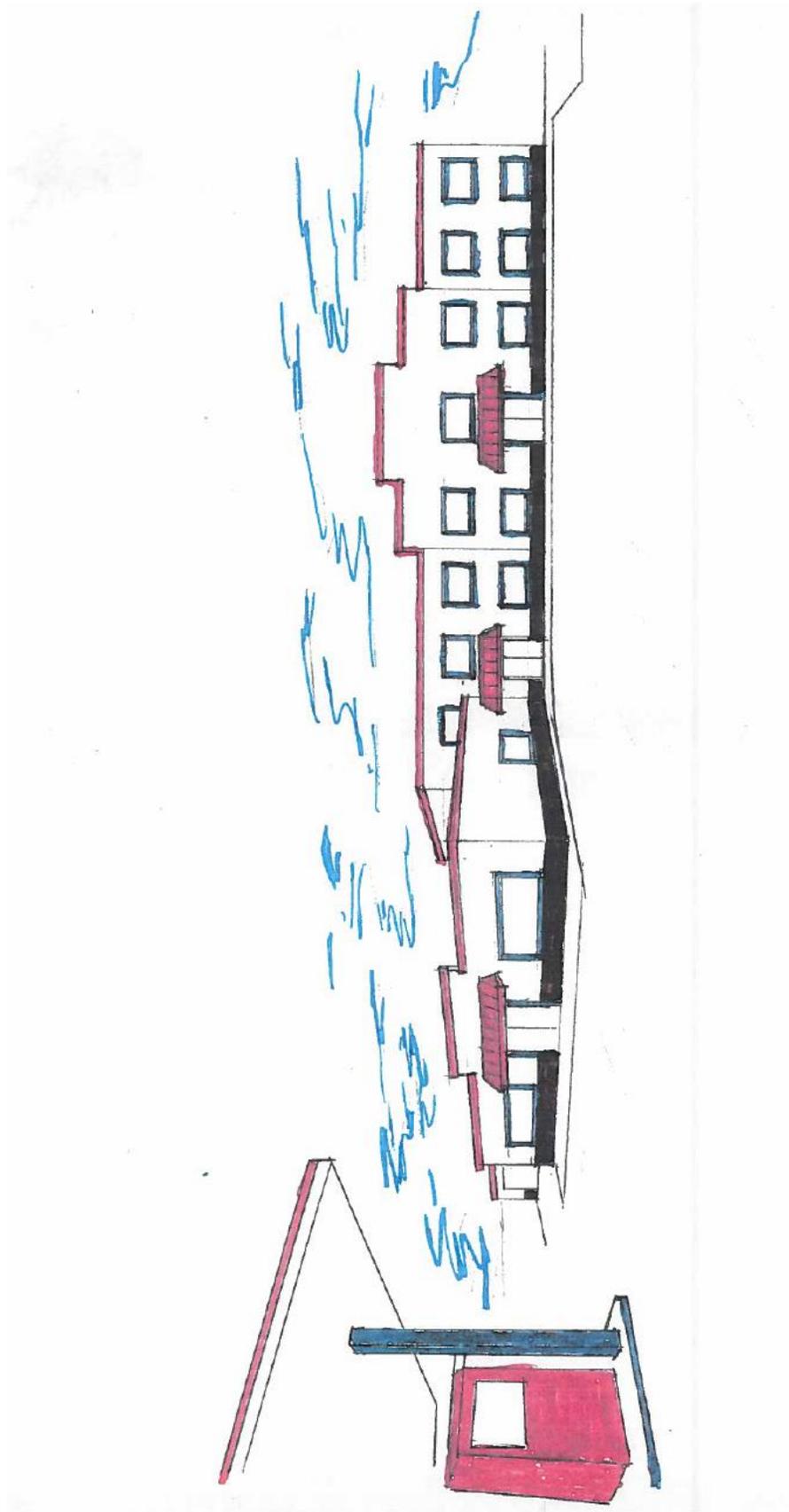
EAST ELEVATION



NORTH ELEVATION

SOUTH ELEVATION

PROPOSED PERMITS  
NEW MARKET / BLDG. PLAN  
BARSNESS SCALE: 1/8" = 1'-0"



## Renee Christianson

---

**From:** Rich Revering <richre@bolton-menk.com>  
**Sent:** Monday, July 11, 2016 2:51 PM  
**To:** Renee Christianson  
**Cc:** Tom Terry; Corey Schweich; 'Bob Kirmis'  
**Subject:** RE: Barsness Project

### Preliminary Engineering Comments

#### 1. Transportation/Traffic

- a. CSAH 2 access is inconsistent with County Access Guidelines, submit to County Highway Department for review. Of particular concern:
  - i. Left in movement from west-bound CSAH 2
  - ii. Need for turn and acceleration lanes for right in/right out movement
  - iii. Access may only be allowed if City street. Confirm, and show R/W limits accordingly.
- b. CSAH 91 access must be submitted to County Highway Department for review. Of note:
  - i. Turn lanes or turn and bypass lane may be required.
  - ii. Access may only be allowed if City street. Confirm, and show R/W limits accordingly.
- c. A cul-de-sac or other acceptable means of turning around in public right of way will be required for the streets dedicated for providing access to County Highways or the street must run through the site.
- d. Streets dedicated to the City will require a two-foot subcut and select granular borrow subgrade with drainage in addition to the pavement sections shown.
- e. Final widths and configuration of any public streets created subject to review by Engineering and Public Works.
- f. Provide evidence of R/W, easement, or permission to build streets and disturb adjacent private property at proposed street accesses.
- g. The shared use path must connect to the easterly end of the CSAH 91 crossing on the southerly side of CSAH 2 in a manner reasonably accessed from users from the south or east.
- h. Call out handicapped accessible stall locations and access routes. Show ADA compliant grades, pavement markings, signage, and detectable warning system locations.
- i. City reserves due to anticipated traffic speeds and volumes the opportunity to review shared use path crossings of street connections to County highways for safety enhancements or realignments as access plans are reviewed.

#### 2. Stormwater Management/Wetlands

- a. The existing culvert shown under the proposed street connection to CSAH 2 will need to be modified to maintain existing drainage patterns
- b. Stormwater routing to Scott County pond east of site:
  - i. Permission for routing and possible facility modifications will be needed from Scott County.
  - ii. Submit computations demonstrating pond (modified if necessary) is properly sized to meet City rate and runoff quality requirements in the code.
- c. No facilities or computations or analysis provided to demonstrate how City code requirements for runoff volume will be met.
- d. Call out the Ordinary High Water elevation of 1126.4 for the wetland.
- e. Call out the wetland boundary. Call out the proposed wetland limits and required 30-foot average width buffer (25-ft minimum).

- f. Tabulate a summary of the wetland and buffer impacts and mitigation areas. A disturbed (created) buffer as shown is only allowed as part of an approved wetland replacement plan. This will be required at least for the buffer, in addition to any wetland banking credit purchase proposed.
  - g. Provide a narrative on why wetland and buffer impacts are necessary, and how wetland impacts were first avoided and then minimized to support the depicted impacts.
  - h. Provide a narrative discussing the potential for fuel spills to flow to the wetland and, if indicated, depict and provide facilities or devices to prevent such occurrences.
  - i. Provide sumps in site catch basins to capture larger sediments (particularly from winter sand/salt operations or load spills). These will require a maintenance agreement with the City to ensure sediments are routinely removed to prevent entry into the stormwater pond.
3. Sanitary Sewer
    - a. Illustrate how future buildings will be served with sewer and how pavement cuts will be avoided.
  4. Water Distribution System
    - a. Fire Chief to review for fire code compliance.
    - b. 8-inch water will need to be brought to south edge of site when future building and site hydrants built. Plan for and depict on drawings. Show water main through or along site in easement or R/W. Provide for City maintenance access via Development Contract or other instrument.

These plans are incomplete and the available review time was short; we will need to do a more thorough review when all required site plan information and reports are submitted. These comments are intended as advisory to the applicant as part of the DRT meeting and are subject to revision and expansion as more information becomes available.

Let me know if a formal memo is required. You have my consent to paste these into a master set of comments for distribution or to use as is.

Regards,

RR

From: Renee Christianson [mailto:rchristianson@ci.enm.mn.us]  
Sent: Thursday, July 07, 2016 4:27 PM  
To: Bob Kirmis <bkirmis@nacplanning.com>; Rich Revering <richre@bolton-menk.com>; Corey Schweich <cschweich@ci.enm.mn.us>; Tom Terry <tterry@ci.enm.mn.us>  
Cc: Andrea McDowell Poehler <apoehler@ck-law.com>  
Subject: FW: Barsness Project

All,

Attached are preliminary grading & utility plans we received this morning from JR Hill. I've also scanned and attached some architectural renderings that were dropped off. This project will be on the DRT agenda on Tuesday morning; please have comments available if possible. I realize these are very preliminary, and also very last minute, but any comments will be very much appreciated!

Respectfully,

*Renee Christianson*

City of Elko New Market | Community Development Specialist  
601 Main Street | Elko New Market, MN 55054  
Phone: 952-461-2777 | Cell: 612.644.3438 | [RChristianson@ci.enm.mn.us](mailto:RChristianson@ci.enm.mn.us)

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## SCOTT COUNTY COMMUNITY SERVICES DIVISION

HIGHWAY DEPARTMENT · 600 COUNTRY TRAIL EAST · JORDAN, MN 55352-9339  
(952) 496-8346 · Fax: (952) 496-8365 · www.co.scott.mn.us

August 8, 2016

Renee Christianson  
City of Elko New Market  
601 Main Street  
P.O. Box 99  
Elko New Market, MN 55054

**RE: Commerical Concept Plan  
CH 2 and CH 91**

Dear Renee:

We have reviewed the concept plan for the site and offer the following comments:

- ◆ The plans are very preliminary and as such our review is preliminary. As further detail is provided other comments may be necessary.
- ◆ The concept proposes to use the County pond to discharge it's stormwater to. The County pond was developed under old stormwater requirements. If drainage is directed to the County pond, the existing pond would first need to be brought into compliance with current stomrwater standards. If the development desires a regional stormwater ponding approach, the County would need to be provided detailed stromwater information to understand the development's ability to utilize/expand the existing stormwater pond. Any stormwater plans and construction would be the development's responsibility.
- ◆ Infiltration is needed on the site that conforms with MPCA NPDES permit requirements.
- ◆ The County will permit a right-in/right-out on CH 2. The access on CH 2 requires a right turn lane.
- ◆ The concept shows a  $\frac{3}{4}$  access on CH 2. The  $\frac{3}{4}$  access would not be permitted. The left turn movement from CH 2 shall be conducted at the CH 2 and CH 91 intersection.
- ◆ Any access shall be required to be a public street. The public street does not appear to be identified on these plans.
- ◆ The access on CH 91 would require both a right turn lane and a left turn lane.
- ◆ Both CH 2 and CH 91 are Minor Arterial Roadways. The mimum right-of-way for minor arterial roadway is 75' from centerline. Additional right-of-way along CH 2 may be needed to provide for the required turnlane and taper. Detailed cross sections in this area showing the turn lane, trail, boulevard, etc are required.
- ◆ Any work within the County right-of-way shall require a County permit.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me.

Sincerely,

Craig Jenson  
Transportation Planner

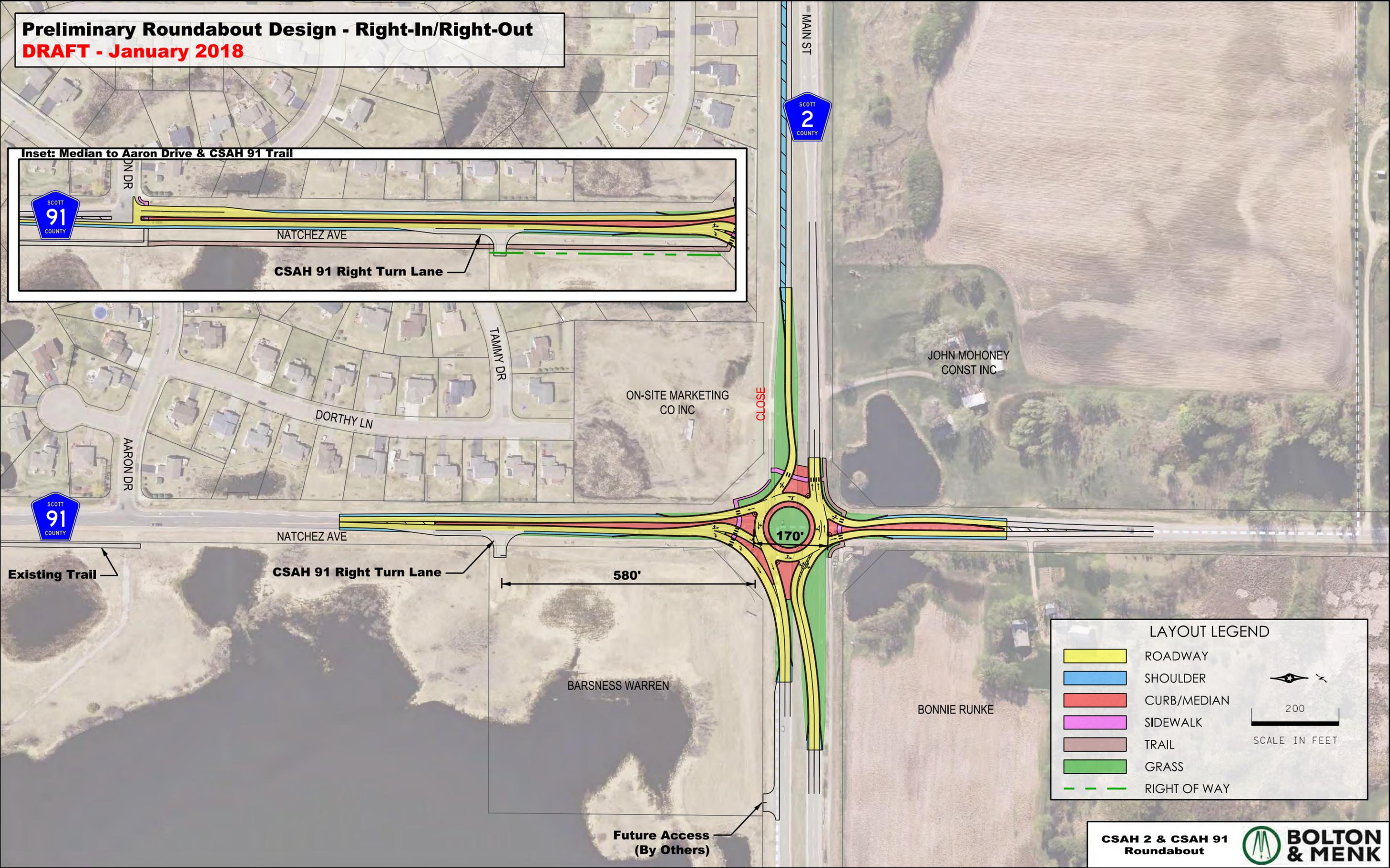
cc: Kate Miner, Traffic Engineer  
Lisa Freese, Transportation Program Director

**Preliminary Roundabout Design - Right-In/Right-Out**  
**DRAFT - January 2018**

**Inset: Median to Aaron Drive & CSAH 91 Trail**



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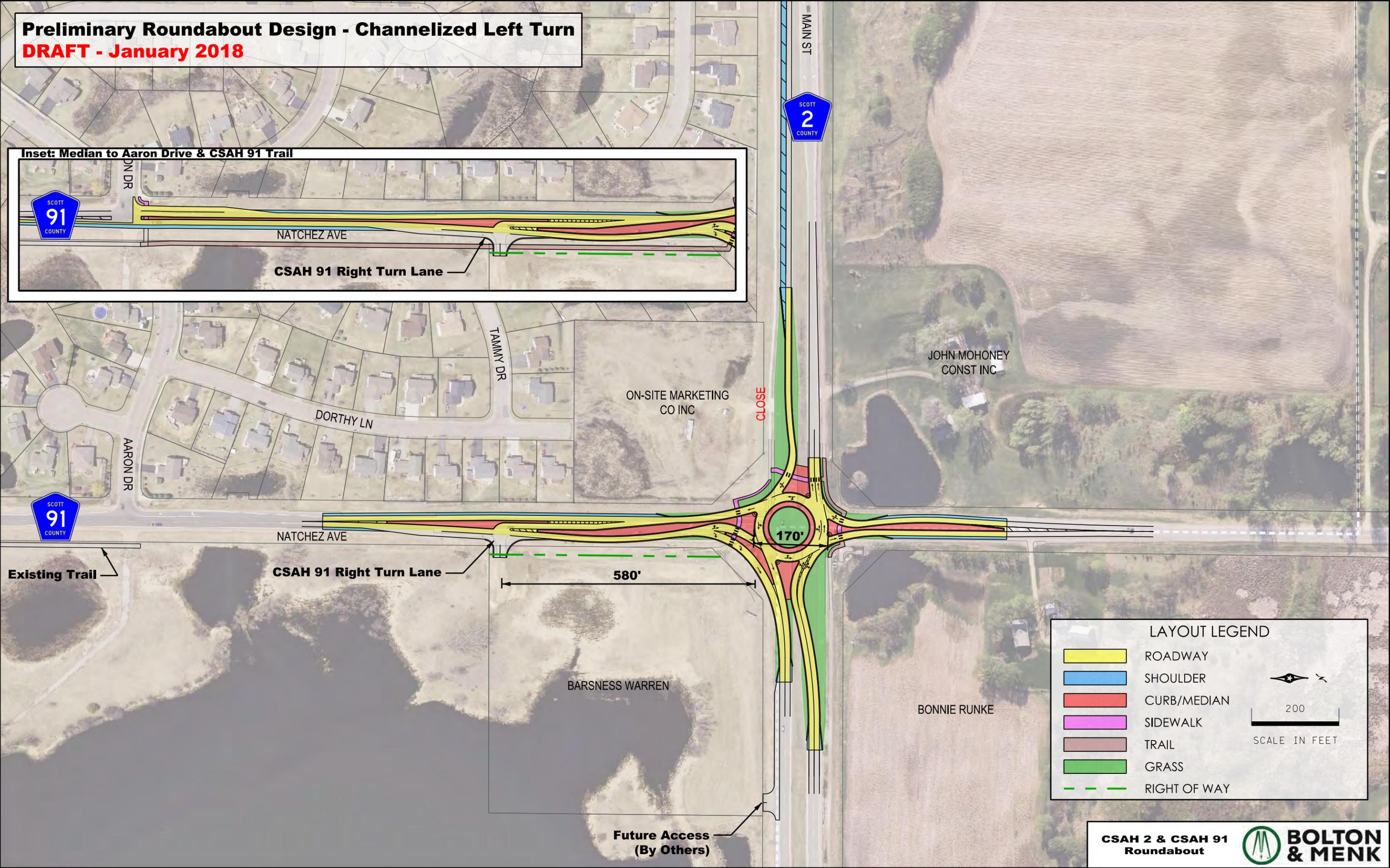
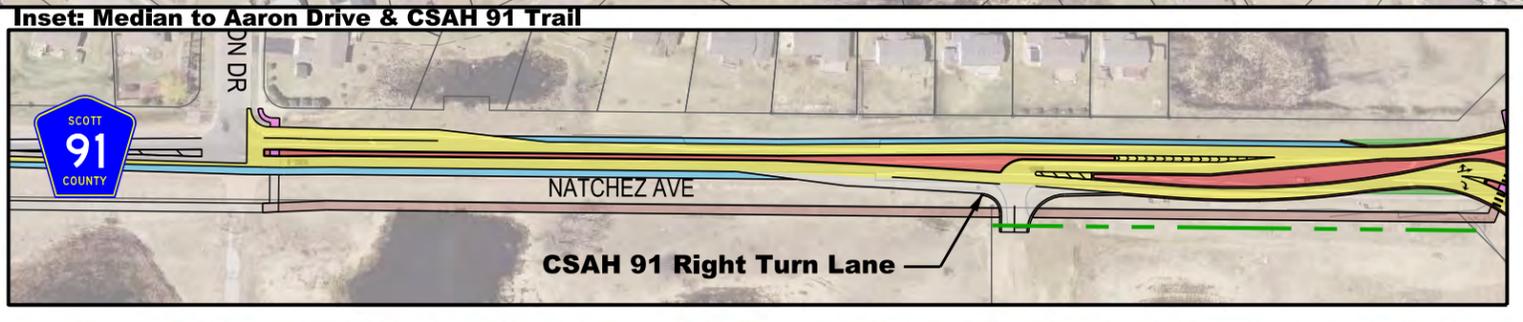


**LAYOUT LEGEND**

	ROADWAY
	SHOULDER
	CURB/MEDIAN
	SIDEWALK
	TRAIL
	GRASS
	RIGHT OF WAY

200  
 SCALE IN FEET

**Preliminary Roundabout Design - Channelized Left Turn**  
**DRAFT - January 2018**



**LAYOUT LEGEND**

- ROADWAY
- SHOULDER
- CURB/MEDIAN
- SIDEWALK
- TRAIL
- GRASS
- RIGHT OF WAY

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SCALE IN FEET

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## SCOTT COUNTY COMMUNITY SERVICES DIVISION

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(952) 496-8346 • Fax: (952) 496-8365 • www.co.scott.mn.us

August 8, 2016

Renee Christianson  
City of Elko New Market  
601 Main Street  
P.O. Box 99  
Elko New Market, MN 55054

**RE: Commerical Concept Plan  
CH 2 and CH 91**

Dear Renee:

We have reviewed the concept plan for the site and offer the following comments:

- ◆ The plans are very preliminary and as such our review is preliminary. As further detail is provided other comments may be necessary.
- ◆ The concept proposes to use the County pond to discharge it's stormwater to. The County pond was developed under old stormwater requirements. If drainage is directed to the County pond, the existing pond would first need to be brought into compliance with current stomrwater standards. If the development desires a regional stormwater ponding approach, the County would need to be provided detailed stromwater information to understand the development's ability to utilize/expand the existing stormwater pond. Any stormwater plans and construction would be the development's responsibility.
- ◆ Infiltration is needed on the site that conforms with MPCA NPDES permit requirements.
- ◆ The County will permit a right-in/right-out on CH 2. The access on CH 2 requires a right turn lane.
- ◆ The concept shows a ¾ access on CH 2. The ¾ access would not be permitted. The left turn movement from CH 2 shall be conducted at the CH 2 and CH 91 intersection.
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- ◆ The access on CH 91 would require both a right turn lane and a left turn lane.
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- ◆ Any work within the County right-of-way shall require a County permit.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me.

Sincerely,

Craig Jenson  
Transportation Planner

cc: Kate Miner, Traffic Engineer  
Lisa Freese, Transportation Program Director



601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** CITY COUNCIL, PLANNING COMMISSION, EDA & CHAMBER OF COMMERCE  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**SUBJECT:** COMMUNITY DEVELOPMENT UPDATES  
**DATE:** MARCH 1, 2018

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### **Background / History**

The purpose of this memo is to provide updates regarding miscellaneous projects and activities being worked on by Community Development staff. Below is a summary of projects that are currently being worked on, inquiries received, and miscellaneous information:

**New Market Bank Addition / Elko New Market Commerce Center** – This multi-tenant retail facility started construction in October of 2017. In addition to the building permit for the shell of the building, the City has issued building permits for interior finishes for the New Market Bank (east end of the building), a restaurant at the west end of the building, and a hair salon in the middle unit. There are five total units in phase I and the building can be doubled in size.

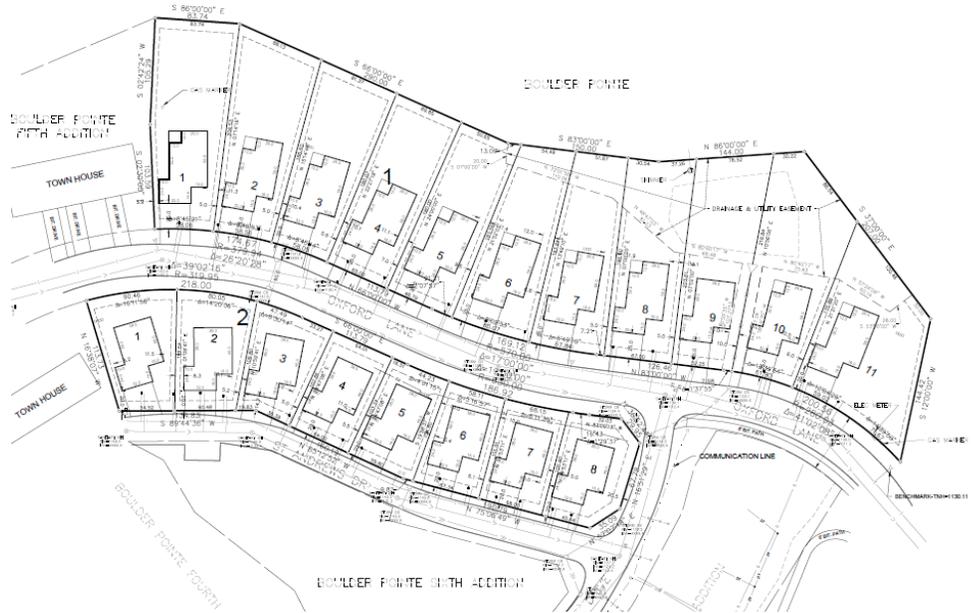


**Barsness 1<sup>st</sup> Addn** – The City received an application for PUD Sketch Plan review by the City's Planning Commission for a proposed commercial development containing a gas station, car wash, convenience store, office, retail, and storage uses. The project is proposed at the southeast quadrant of County Roads 2 & 91. The project is scheduled for review by the City's Planning Commission on March 6<sup>th</sup> and the City Council on March 8<sup>th</sup>. This is the first step in proceeding with the applications for land use approvals. The owner / developer is Warren Barsness.



**Boulder Pointe 7<sup>th</sup> Addition**

The City received application for PUD amendment, preliminary and final plat approval of Boulder Pointe 7<sup>th</sup> Addition, a residential subdivision located along Oxford Lane that will contain 11 single-family residential lots, and 8 detached townhome lots. The project is anticipated to be scheduled on the March 27<sup>th</sup> Planning Commission meeting agenda followed by City Council approval in late April or early May. The owner / developer is Bjorn Vogen.



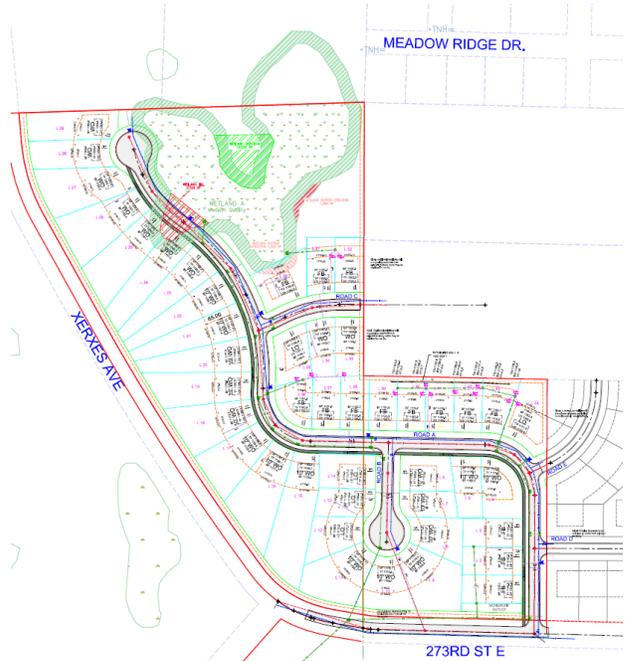
**Syndicated Properties** –The City Council is working with Syndicated properties who plans to construct approximately 40 rental townhome units in the Dakota Acres Subdivision (located north of Firehouse Grille). The City has received full civil and architectural plans for preliminary review. There are Planning Commission and City Council approvals that are needed for a portion of the project, but 13 units can be constructed immediately. The City expects to see construction activities on this site in the summer of 2018.



**Dakota Acres / City Owned Property** - The City owns a 3.1 acre parcel to the west of the property purchased by Syndicated Properties. The City recently met with a new developer who has an interest in constructing apartment buildings on the site. City staff also corresponded with the senior housing developer who has been attempting to put a senior housing project together on the site. Staff also received a call from a third developer who expressed interest in submitting a purchase agreement on the property. The current asking price for the property is \$285,000.

**Adelmann Property** – City staff has been working with the Adelmann family to develop a preferred concept development plan for their properties currently located in New Market Township along Co Rd 2, and west of I-35. This project is a result of a 2017 Scott County CDA grant provided to the City. A second 2018 grant has also been awarded to the City which allows completion of an AUAR, wetland inventory and tree inventory on the properties. The grant agreement is scheduled for approval by the City Council on March 8, 2018.

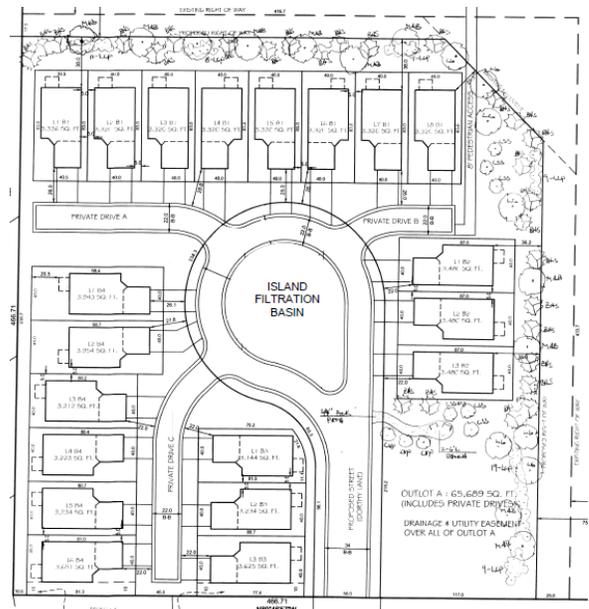
**Pete’s Hill Park** – Staff has been regularly communicating with the property owner for this potential residential development project containing 46 potential single family residential lots and located immediately south of Pete’s Hill Park. The wetland applications have been submitted and approved by the Township. The most recent concept development plan was submitted to the City on November 22, 2017. Staff met with the owner and real estate agent on January 10<sup>th</sup> and provided revised written feedback and development fee estimates on January 15<sup>th</sup>. The property owner continues to look for a developer to develop the property. Topography, wetlands and trees add to the challenge of developing the property. The project requires annexation of property from New Market Township.



**Pheasant Hills** – This potential residential development was approved prior to the recession but never completed. On February 8<sup>th</sup>, staff met with the current property owner, who indicated he would like to pursue development of the property. Staff corresponded with the owner and his civil engineer over the last several weeks and met again with the owner on March 1<sup>st</sup>. He is interested in redesigning the subdivision to create more lots than had been planned for pre-recession.

**Khai Le Property** – City staff has met with the property owner, a potential co-developer, and their civil engineers to review a concept development plan for this 35 acre property located at the northwest quadrant of James Parkway and Dakota Avenue. The development would contain single family residential lots. Staff provided information to the development team, and they are scheduled to meet with the City’s Development Review Team on March 6<sup>th</sup>, and for Sketch Plan review by the City’s Planning Commission on March 27<sup>th</sup>, 2018. The property is adjacent to the City limits and will require annexation from New Market Township to the City prior to development.

**Christmas Pines** – The City received the application for final plat approval of Christmas Pines on February 28<sup>th</sup>. This is a residential detached townhome subdivision containing 20 lots that received preliminary plat approval in summer of 2017. City staff will be reviewing the final construction plans and drafting a development contract, with approval by the City Council expected in April, 2018. Construction of the streets within the development can be completed quickly and it is anticipated that lots will be ready for home construction and building permit in early summer.



**Convenience Store Marketing** – Staff prepared demographic information and consumer expenditure information for distribution to Kwik Trip on February 5<sup>th</sup>, 2018.

**Marketing** - Staff met for coffee with a commercial building contractor and developer to provide updates about the community and various projects on February 14<sup>th</sup>.

**Smoke Shop** – A building permit application was received for an interior finish for a smoke shop located at 321 Main Street in the Troy Friedges retail center building. The shop, Elko Tobacco, opened on March 1<sup>st</sup>.

**Building Permits** – The City issued one single family home permit in February, 2018.

**Development Fee Comparison** – Staff completed a comparison of City development fees as they compare to other area Cities. The information was presented to the City’s Economic Development Authority for review and discussion on February 22<sup>nd</sup>.

**Ordinance Updates** – Staff, the City’s Planning Commission and Council have been working on City Code amendments pertaining the allowance of certain commercial vehicles in residential zoning districts, changes to the definition of Residential Programs in the City’s zoning code, and regulations pertaining to small cellular wireless facilities.

**Roundabout Project** – Staff participated over the past month in meetings between various property owners and Bolton and Menk, the City’s engineering firm, to discuss the CR 2 & 91 roundabout project. A workshop was also held with downtown business owners on March 27<sup>th</sup> to learn about the project and identify priorities of downtown business owners. A public open house is also scheduled for March 6<sup>th</sup>.

