

# ELKO NEW MARKET - PLANNING COMMISSION MEETING

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

**THURSDAY, NOVEMBER 2, 2017 @ 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. October 2, 2017 Meeting Minutes
- 7. PUBLIC HEARINGS**
  - A. Request for Variance – Frasson
- 8. GENERAL BUSINESS**
  - A. Commercial Vehicle Amendment / Marek’s Towing Request
  - B. Comprehensive Plan, Review of Concept Land Use Maps
- 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  
October 5, 2017  
7:00 PM**

**1. CALL TO ORDER**

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

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

Members absent and excused: Vetter

Staff Present: Community 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, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried: (4-0).

**4. PUBLIC COMMENT**

Chris Marek, on behalf of Marek's Towing and Repair, approached the Planning Commission in response to a complaint received regarding the parking of a "flatbed" tow truck in a residentially zoned area of the City. Mr. Marek acknowledged that City ordinances do not allow the parking of vehicles of such size (in residential neighborhoods) but feels that, in this case, such parking is justified.

Mr. Marek explained that the tow truck in question is used to provide emergency assistance to agencies such as the state patrol and City's police department (a public service of sorts) and that the parking of the tow truck (or tow trucks) at the home of the driver improves emergency response times. In this regard, Mr. Marek requested an amendment to the City's commercial vehicle parking requirements to make an exception for tow trucks used to respond to local emergencies.

In response to Mr. Marek's request, the Planning Commission suggested that he work with City Staff and that the issue be discussed further at the forthcoming November 2, 2017 Planning Commission meeting.

**5. ANNOUNCEMENTS**

Community Development Specialist advised the Planning Commission that a groundbreaking ceremony for the New Market Bank development took place on the morning of Thursday, October 6<sup>th</sup> (2017).

**6. APPROVAL OF MINUTES**

A motion was made by Thompson and seconded by Hartzler to approve the minutes of the August 3, 2017 Planning Commission meeting with the removal of Hartzler on the vote for the Boulder Pointe 6<sup>th</sup> Addition PUD amendment (to reflect his meeting absence). Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

**7. PUBLIC HEARINGS**

There were no public hearings.

**8. GENERAL BUSINESS**

**A. Adelman Family Land Use Discussion**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated October 5, 2017. Christianson explained that the Adelman family, which owns several properties located west of the Interstate 35/ County Road 2 interchange has requested Planning Commission feedback regarding proposed uses upon the properties. Christianson also noted that the Adelman family has engaged Appro Development to assist in the development of the properties.

Christianson's presentation included an overview of the site characteristics, a history of the area/site including a memorandum of understanding between the City and property owners, an orderly annexation agreement, existing future land use designations, sanitary sewer, water, stormwater and transportation related issue, and an overview of the interchange design study. Also provided were sample buildings showing light industrial uses, and an overview of commercial development acreages associated with various areas interchange areas.

Following Christianson presentation, City Planner Bob Kirmis provided a summary of the City's historical land use planning efforts and, in particular, planning efforts related to the Interstate 35/County Road 2 interchange area.

Following Kirmis' comments, Bruce Rydeen, of Appro Development explained his company's involvement in the development of the Adelman properties and noted that the submitted mixed-use development scenario responds to perceived land use needs in the area. Rydeen noted that anticipated uses within the development would be primarily light industrial in nature and include smaller industrial users, offices, showrooms, warehousing and assembly/manufacturing facilities. Mr. Rydeen also noted that some commercial uses have also been depicted.

Mr. Rydeen further indicated that he understands the City's desire for commercial development in the area but that a market for such use presently does not exist. He noted that additional residential development in the area is needed in order to drive a demand for future retail commercial uses. Mr. Rydeen concluded his remarks by stating that his company and the property owner are looking for feedback on the submitted land use concept plan.

As a follow-up to Mr. Rydeen's remarks, the Planning Commission offered the following comments:

Commissioner Hartzler:

- Noted that the subject site (which includes lands north and south of County Road 2 on the west side of Interstate 35) is the "gateway" to the City of Elko New Market and that it is important that development upon the subject properties convey a positive image of the community.
- Highlighted the Newton Circle industrial park as an area which will be need to be addressed as part of the development of the southwest quadrant of the interchange. It was indicated that issues/challenges will likely include, but not be limited to, annexation, property access and sanitary sewer service.

Commissioner Smith:

- Generally supportive of the submitted land use concept but believes some residential uses should be incorporated.

Commissioner Kruckman:

- Supportive of the submitted land use concept as submitted, and suggested some possible residential be incorporated on the northwest area of the property.

Commissioner Thompson:

- Noted that retail commercial trends (such as e-commerce) may impact the amount of land devoted to commercial uses in the area.
- Suggested that the submitted land use concept be modified to include more commercial uses along County Road 2.
- Expressed his opinion that the submitted land use concept should be examined within the context of the overall City and the City's draft 2040 Land Use Plan.

Following the preceding Planning Commission comments, Planner Kirmis was asked to provide comment on the submitted land use concept. Kirmis stated that he recognizes that the uses identified on the plan (primarily light industrial) respond to current market demands. He did however, urge the Planning Commission to consider the City's long-term (2040) commercial needs. In this regard, Kirmis expressed an opinion that additional land devoted to commercial uses should be considered (in lieu of the proposed quantity of industrial uses).

Christianson stated her opinion that additional commercial land should be guided along County Road 2 and I-35.

Chairman Thompson suggested that the submitted land use concept be considered within the context of the City's 2040 Land Use Plan which is scheduled for initial Planning Commission consideration at the November 2, 2017 Commission meeting. It was specifically suggested that the Adelman development team monitor the Planning Commission's feedback on such Plan as such comments may influence the land use types and arrangements included in their development plan.

## 9. MISCELLANEOUS

**A. City Staff / Consultant Updates.** Community Development Specialist Christianson provided updates on the following projects:

- Boulder Heights
- Christmas Pines
- New Market Bank Addition
- Boulder Pointe 6<sup>th</sup> Addition
- Barsness property
- Dakota Acres
- Pete's Hill Park
- New coffee shop (in former Helen's Café space)
- New Farmers Insurance office (at 541 Main Street)

City Engineer Revering also provided an update on the Woodcrest sanitary sewer project.

## 10. ADJOURNMENT

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 9:18 p.m. Vote for: Thompson, Smith, Kruckman and Hartzler. 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  
**CC** MARIO FRASSON  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**REQUEST:** REQUEST FOR VARIANCE #V2-2017 FROM SECTION 11-25B-7 OF THE CITY CODE WHICH REQUIRES A 30' REAR YARD STRUCTURE SETBACK, TO ALLOW A GARAGE ADDITION TO BE LOCATED 5.7' FROM THE REAR PROPERTY LINE, AND A VARIANCE FROM SECTION 11-6 OF THE CITY CODE WHICH STATES ATTACHED GARAGES SHALL NOT EXCEED 1,000 SQUARE FEET IN SIZE, TO ALLOW AN ATTACHED GARAGE OF 1,008 SQUARE FEET.  
**DATE:** NOVEMBER 2, 2016  
PLANNING COMMISSION MEETING: NOVEMBER 2, 2017  
CITY COUNCIL MEETING: NOVEMBER 16, 2017  
60-DAY REVIEW DEADLINE: DECEMBER 4, 2017

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### **Background / History**

Mario and Tanya Frasson own the property located at 230 St Mary Street and would like to increase the size of their attached two car garage. In the summer of 2017 the Frassons approached the City with the request to purchase property from the City located east of their home, with the intention to add on to the east side of the existing garage. Through discussions with City staff, they ultimately withdrew the request to purchase City property and instead made the decision to apply for a variance to add to the back side of the garage.

The existing garage is 24' x 24' (576 sq ft) and the requested addition is 18' x 24' (432 sq ft) for a total of 1,008 square feet. There is also an existing detached accessory structure on the property that measures approximately 14' x 16'. The applicant's letter states the reason for the request, so that both of their vehicles can be parked inside of the garage. They also feel that the way in which the addition is proposed will provide curb appeal and consistency with the neighboring properties.

Included for review are the following:

- Letter of Request
- Site Survey dated 9.11.17
- Aerial Photograph
- Site Photographs



### **Neighborhood Conditions**

The site is surrounded by single family detached homes of similar size and character to the subject property. It is important to note that the property adjacent (to the east) to the Frasson property is owned by the City and connected to Wagner Park. It is not currently used for park purposes but could be at some point in the future since it is connected to the park.

### **Legal Description**

The property legal description is:

Beginning at a point 33 feet south of the southeast corner of Lot 13, Block 1, Wagner's Addition to the village of New Market; thence south 85 feet; thence west 125 feet; thence north 85 feet; thence east 125 feet to the place of beginning; the above tract of land being in the northwest quarter of the northwest quarter of Section 28, Township 113, Range 21, Scott County, Minnesota.

### **Comprehensive Land Use Plan**

The city's comprehensive land use plan guides the property to "Low Density Residential" land use.

### **Zoning**

The property is currently zoned R2, Urban (Small Lot) Single-Family Residential.

### **Lot Size Requirements**

Current standards require a minimum lot size of 10,000 square feet and a minimum lot width of 50'. The subject property contains 10,625 square feet and measures 125' wide and 80' deep. The lot is conforming based on area and width requirements of the City Code.

### **Setbacks**

The required setbacks in the R2 zoning district are 30' front, 25' on a side/corner lot, 5' side, 30' rear yard. The existing structure does not meet setback requirements, as it is located only 28.5' from the front, and 23.7' from the rear, and 30.1' & 10.9' from the side property lines. The existing structure is considered nonconforming, only by way of setbacks. The proposed addition does not meet the rear setback requirement and therefore a variance is being requested.

### **Height Requirements**

Structures shall not exceed 35' in height in the R2 district.

### **Accessory Buildings, Structures and Uses**

Section 11-6 of the City Code regulates accessory buildings, structures and uses. It states that garages attached to the principal building shall not exceed one thousand (1,000) square feet in size and shall be subject to all building and setback requirements of the principal structure. The existing attached garage is

Mario Frasson Request for Variance V2-2017

Page 2 of 11

November 2, 2017

24' x 24' (576 sq ft) and the Frassons are proposing an 18' x 24' addition (432 sq ft), for a total of 1008 square feet. The request is to add 8 square feet more than allowed by Section 11-6 of the City Code. A detached accessory structure also exists on the property.

### **Expansion of Nonconforming Structures**

Section 11-3-9 (C) of the City Code addresses nonconforming structures, and expansion thereof. It states that expansion of principal buildings found to be nonconforming only by reason of height and yard setback may be allowed provided the expansion complies with the performance standards of Code.

The proposed addition will not meet the current performance standards of the Code. It is only possible to add an additional 5.9' to the east side of the existing garage and still meet setback requirements / performance standards.

### **Variance Criteria**

Section 11-3-7 of the City Code contains criteria for granting variances within the City. The purpose of a variance is to provide for deviations from the literal provisions of the Code in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Code. The criteria, as taken directly from the City Code, is shown below.

- D. Criteria: The board of adjustments and appeals shall not approve any variance request unless they find that failure to grant the variance will result in practical difficulties. The following criteria must also be met:
  - 1) That the variance would be consistent with the comprehensive plan.
  - 2) That the variance would be in harmony with the general purpose and intent of this title.
  - 3) That the purpose of the variance is not based exclusively upon economic considerations.
  - 4) That the plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - 5) That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
  - 6) That the property owner proposes to use the property in a reasonable manner not permitted by this title.
  - 7) That the requested variance is the minimum action required to eliminate the practical difficulty.
  - 8) That the proposed variance does not involve a use that is not allowed within the respective zoning district.
  
- E. Practical Difficulties Defined: "Practical difficulties", as used in connection with the granting of a variance, means that:
  - 1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; and
  - 2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
  - 3) The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone shall not constitute practical difficulties. Practical difficulties

include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Ord. 97, 6-28-2012)

### **State Law Pertaining to Variance Requests**

Minnesota Statute 462.357 Subd. 6 provides a mechanism for cities to grant variance requests when “practical difficulties” have been determined. Under the statutory practical difficulties standard, a landowner is entitled to a variance if the facts satisfy the three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character.

- 1) **Reasonableness.** Does the landowner propose to use the property in a reasonable way but cannot do so under the provisions of the ordinance?
- 2) **Uniqueness.** Is the landowner’s problem due to circumstances unique to the property not caused by the landowner? The uniqueness generally relates to the physical characteristics of the piece of property and economic considerations alone cannot create practical difficulties.
- 3) **Essential Character.** Will the variance, if granted, alter the essential character of the neighborhood? Would the resulting structure be out of scale, out of place, or otherwise inconsistent with the surrounding area?

### **Water / Sanitary Sewer / Storm Sewer**

The below drawing shows the locations of water, sewer and stormsewer lines in the vicinity of the Frasson’s home. There is an existing water line located approximately 21’ from the home, and a sanitary sewer line in the southerly extension of West Louis Street. The proposed garage addition will not impact the existing utility lines.



### **Access / Roads / Transportation Issues**

The home fronts on a local road, St. Mary Street. Along the east side of the home there is property that is owned by the City, and connected to Webster Park. It is not technically platted as a street but does serve as access to two homes located to the south, and is commonly referred to as West Louis Street.

### **City Engineer Comments**

The City Engineer has no comments regarding the variance request.

### **Public Works Director Comments**

The Public Works Director has no comments regarding the variance request.

### **Staff Comments & Recommendation**

Staff has reviewed the criteria for granting a variance in Section 11-3-7 of the City Code and below is possible rationale that the Planning Commission could use in recommending in favor of a variance on the property.

Staff believes that a variance from the required 30' rear setback requirement to a 5.7' setback is excessive. Staff also recommends not allowing the garage addition to exceed the maximum allowable 1000 square feet. Staff understands that the proposed garage depth of 18' is generally the minimum practical depth for parking of a vehicle. Staff has sketched some alternatives which may give the applicant a similar amount of square footage and depth for the garage addition, while reducing the rear yard variance. "Option C" below provides an option for adding to the front of the garage, and while this option does encroach into the required 30' front setback requirement, it does not increase the current nonconformity and reduces the rear yard variance.

Should the Planning Commission support one of the variance alternatives, below are findings to support the recommendation of approval.

- 1) That the variance would be consistent with the comprehensive plan. The variance is consistent with the Comprehensive Plan in that the property will continue to be used for low density/single family residential purposes.
- 2) That the variance would be in harmony with the general purpose and intent of this title. The variance is in harmony with the general purposes of the Zoning Ordinance. The property will continue to be used for single family residential purposes with an attached garage, all meeting the permitted within the R2 zoning district.
- 3) That the purpose of the variance is not based exclusively upon economic considerations. Granting the variance is not based on economic considerations. There is no other alternative location the property to add onto the existing garage or to construct a detached garage.
- 4) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. The dimensions of the property are unique in that the lot is only 85' in depth, which is smaller than a typically residential lot. The lot was created prior to adoption of zoning regulations within the City.
- 5) That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located. Granting the variance will not alter the essential character of the neighborhood. A street view of the property will continue to show a rambler home with attached two car garage which is consistent with neighboring properties.
- 6) That the property owner proposes to use the property in a reasonable manner not permitted by this title. The property owner will continue to use the property for single-family residential purposes which is a permitted use of the property.
- 7) That the requested variance is the minimum action required to eliminate the practical difficulty. The practical difficulty existing on the property is a deficiency of attached garage space. The property

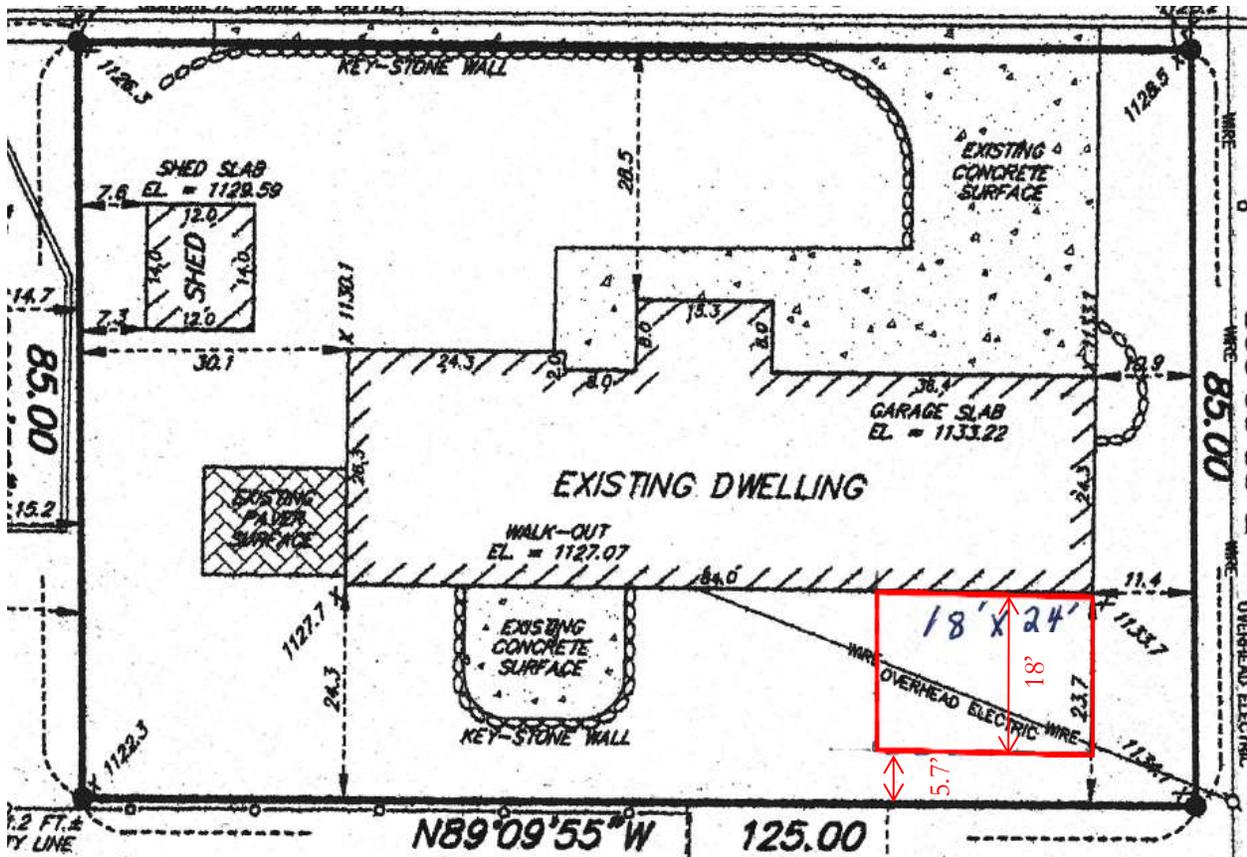
owner is proposing a garage addition containing a depth of 18' which is typically the minimum depth required to park a vehicle.

- 8) That the proposed variance does not involve a use that is not allowed within the respective zoning district. The property owner will continue to use the property for single-family a residential purpose which is a permitted use of the property in the R2 zoning district.

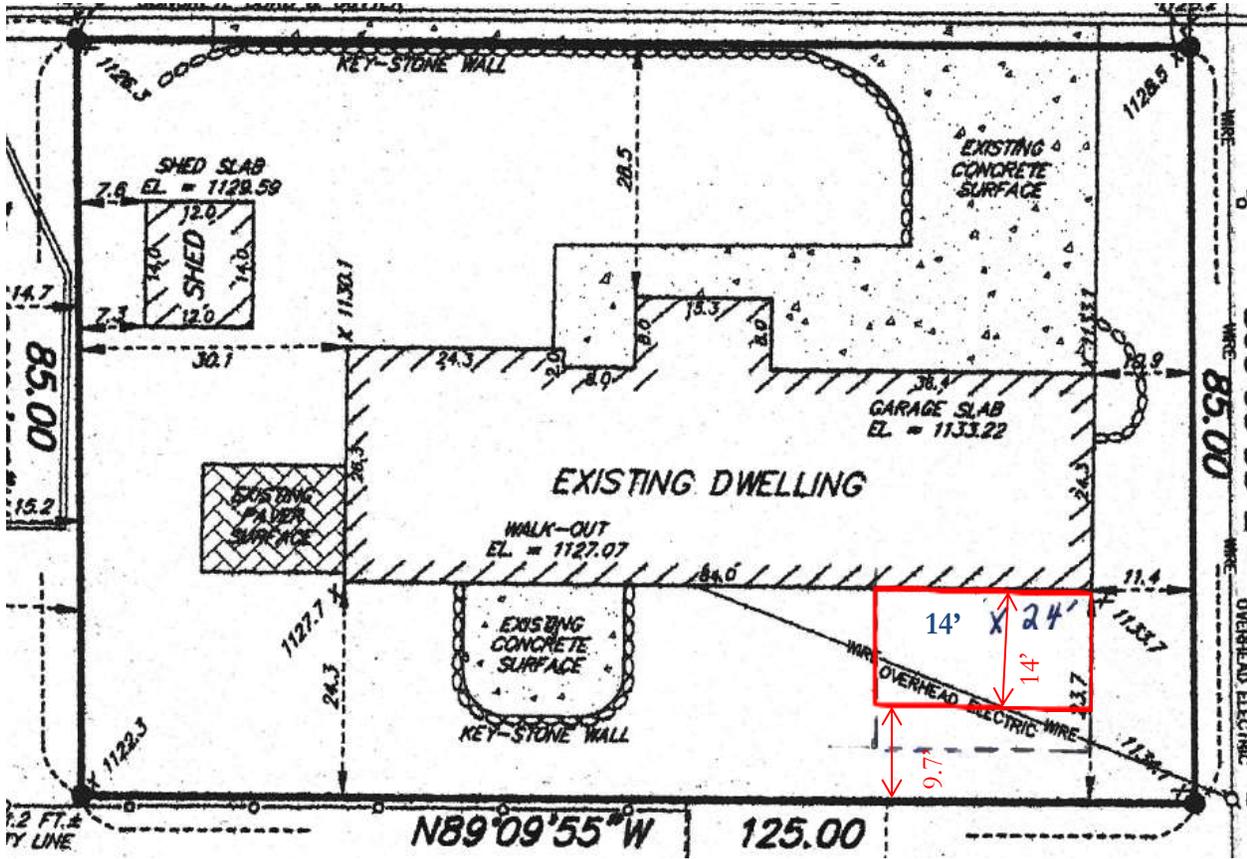
Should the Planning Commission support one of the variance alternatives, below are suggested conditions of approval:

- 1) The garage addition shall be designed to match the façade of the existing home.
- 2) The roof pitch on the proposed garage addition shall match the roof pitch of the existing home.
- 3) (In the event that Option C is supported by the Planning Commission...) Brick wainscoting shall be provided on the north facing building elevation which matches the existing finish on the home.
- 4) The garage shall not be used for home occupation purposes except as allowed by City Code.

**APPLICANT'S PROPOSAL – OPTION A**  
**1008 TOTAL GARAGE SQUARE FEET**



STAFF PROPOSED – OPTION B  
912 TOTAL GARAGE SQUARE FEET











**Mario & Tanya Frasson**  
**230 St. Mary Street**  
**Elko New Market, MN 55020**  
**October 5, 2017**

**City of Elko New Market**  
**PO Box 99**  
**Elko New Market, MN 55020**

To Whom It May Concern:

**RE: Request for Addition on Existing Garage**

We live at the above address, and would like to put an addition onto the back of our existing garage.

The reason for this request is to be able to add onto our existing garage and still have curb appeal that is line with the neighboring properties. With our lot being much older than the new developments, the current yard requirements make designing a garage that is functional for our family and that is in harmony with the neighboring properties, very difficult.

It is too costly for us to sell our home and buy an existing property, or to build a home.

With being able to add onto the back of our existing garage, it would allow us to have more room. We are not currently able to park one of our vehicles in our garage, due to the fact that our garage is not large enough to do so. With being able to add some depth to our garage, we would then be able to get both of our vehicles in the garage.

The request for the addition that we are asking would have zero impact on any of our neighbors, or anyone around us. Approval of this request would allow us to have a quality garage, in a price range that the current market place does not offer.

Thank you for your consideration of this request.

Sincerely,

Mario & Tanya Frasson



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  
**CC:**  
**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:** NOVEMBER 2, 2017

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### **Background / History**

At the April and May, 2017 Planning Commission meeting staff discussed with the Planning Commission a possible correction to the City Code / Zoning Ordinance pertaining to the parking of commercial vehicles in residential zoning districts.

Based on the current Elko New Market Zoning Code, commercial vehicles are broken down into the following two categories which are contained in the Definitions section of the City Code.

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.

Section 11-8-3 of the City Code as currently written is shown on page 4 & 5 below. Please note that Subsection C currently precludes parking of all commercial vehicles, both Class I and Class II vehicles, on all residential lots unless the lot is zoned commercial. There was a consensus by the Planning Commission at the April meeting that the Code should be amended to allow certain Class II commercial vehicles to be permitted in residential zoning districts.

At the May Planning Commission meeting staff presented suggested changes shown page 6 & 7 of this report. The proposed changes would allow two Class II vehicles to be parked in residential zoning districts, but not Class I vehicles. After discussion on the matter, the Planning Commission directed staff to research

other cities codes to see what is commonly allowed, and also how commercial vehicles are defined by other communities.

**Research**

Staff researched the commercial vehicle parking regulations of eight surrounding communities. The research is shown in the attached table, and a summary shown below.

- Shakopee – Commercial vehicles (over 1 ton) not allowed in residential zoning districts
- 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.
- 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.
- 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.
- Belle Plaine – Commercial vehicles (over 9,000 lbs GVWR) not permitted in residential districts unless stored within a garage.
- New Prague – Does not regulate commercial vehicle parking in residential districts, other than semis.
- 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.
- Lakeville – Commercial vehicles (used for commercial purposes, greater than 8’ in height, greater than 22’ in length) not allowed in residential districts.

The gross vehicle weight rating (GVWR), or gross vehicle mass (GVM) is the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers. In order for the Planning Commission to get a general frame of reference for a gross vehicle weight rating (GVWR), below is a table showing for GVWR for 2017 Ford Super Duty Trucks.

**2017 FORD SUPER DUTY TRAILER TOWING & PAYLOAD SPECS**

Model:	F-250 Super Duty	F-350 Super Duty (SRW)	F-350 Super Duty (DRW)	F-450 Super Duty (DRW)
Base Curb Weight:	6,489 - 7,104 lbs	6,653 - 7,317 lbs	7,077 - 7,694 lbs	8,590 lbs
<b>GVWR:</b>	<b>9,900 - 10,000 lbs</b>	<b>9,900 - 11,500 lbs</b>	<b>14,000 lbs</b>	<b>14,000 lbs</b>
GCWR:	28,700 lbs	28,700 lbs	36,000 - 40,000 lbs	41,800 lbs
Payload:	TBA	TBA	TBA	TBA
Conventional Trailer Tow:	15,000 - 18,000 lbs	15,000 - 18,000 lbs	21,000 lbs	21,000 lbs
Max Tongue Weight:	10% of trailer weight	10% of trailer weight	10% of trailer weight	10% of trailer weight
5th Wheel Trailer Tow:	14,700 - 18,600 lbs	20,600 - 21,500 lbs	27,300 - 27,500 lbs	27,500 lbs
Gooseneck Trailer Tow:	14,700 - 18,600 lbs	20,600 - 21,500 lbs	27,300 - 27,700 lbs	32,500 lbs
Max GAWR, Front:	5,250 lbs (4x2) 5,600 lbs (4x4)	5,250 lbs (4x2) 5,600 lbs (4x4)	5,250 lbs (4x2) 6,000 lbs (4x4)	6,000 lbs
Max GAWR, Rear:	6,340 lbs	6,340 lbs	10,300 lbs	9,900 lbs
Available Axle Ratios:	3.31 : 1, 3.55 : 1	3.31 : 1, 3.55 : 1	3.55 : 1, 4.10 : 1	4.30 : 1

Staff's opinion after reviewing the regulations of other communities is that Elko New Market's current definition of a Class II commercial vehicle is rather forgiving, or more lenient than most communities. In the communities researched, a commercial vehicle is defined as vehicles over 9,000 lbs GVWR or 10,000 lb GVWR or 1 ton or 1.5 ton. Elko New Market's definition is quite a bit more lenient, defining a Class I commercial vehicle as more than 18,000 pounds or 24' in length.

The community with closest definition to Elko New Market is Lonsdale, defining a Major Commercial Vehicle as more than 19,500 lb GVWR and more than 24' in length. Lonsdale amended this section of their code in April of 2017.

Based on the language suggested by staff at the May, 2017 Planning Commission meeting, Elko New Market's code would be more lenient than six (6) of the eight (8) communities surveyed. The only communities with more lenient codes would be New Prague and Lonsdale. To be noted is that the City's Code would preclude any of the following types of vehicles from being parked/stored within a residential zoning district, regardless of the gross vehicle weight rating: semis, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach busses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

### **Marek Towing Request**

Following some recent enforcement action regarding the parking of a tow truck in a residential district, the City received a letter from Marek Towing (attached) on September 29, 2017 requesting that tow trucks be allowed to park in residential zoning districts. A representative of Marek Towing also attended the October Planning Commission meeting to present their request during the public comments period. They are requesting that the City Code be amended to exempt tow trucks serving an emergency response purpose from the definition of a Class I commercial vehicle.

Kevin Marek, owner of Marek Towing, submitted photographs of his tow trucks and a listing of their gross vehicle weight for reference purposes. The photographs are shown on pages 8-10 of this report.

### **Staff Recommendation**

After reviewing the research, staff continues to support the suggested ordinance amendment language shown on pages 6-7 below. Staff's opinion is that the current suggestion to allow commercial vehicles with a GVWR of 18,000 lbs. to be parked in an area zoned for residential uses is very lenient. (The photographs submitted by Marek Towing show two vehicles with a GVWR of 18,000 lbs.)

In regards to the request by Marek Towing to allow an exemption for tow trucks based on emergency response, staff recommends against allowing the requested exemption. While staff sympathizes with the issue and understands that allowing the vehicles to be parked at home with the employees would improve response time, staff feels that it does change the residential character of the neighborhood. Tow truck emergency response for accidents and stalled vehicles is not dissimilar to a local fire department which responds to accident scenes, and whose vehicles are stored at a location appropriately zoned for such uses.

If the proposed language below is supported by the Planning Commission, the Planning Commission should direct staff to schedule a public hearing on the proposed ordinance amendment at the December, 2017 Planning Commission meeting.

### **City Attorney Comments**

The City Attorney has reviewed the draft language presented at the May meeting and has no comments or concerns.

## 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

### 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.
    - 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.

f. 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 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)

## MAREK TOWING – TRUCK SUBMITTAL



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

Note from Kevin Mark: "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."

CITY	SUMMARY	CODE REFERENCES 1	CODE REFERENCES 2	Notes
Shakopee	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.	<b>VEHICLE, PERSONAL.</b> 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. <b>VEHICLE, COMMERCIAL.</b> Any vehicle other than a personal vehicle or recreational vehicle.
Savage	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) <u>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.</u> 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.		<b>Note From City Staff:</b> "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."
Prior Lake	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. <u>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</u>	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, <u>except for parking of 1 vehicle not to exceed 9,000 pounds gross vehicle weight.</u>	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.
Jordan	Commercial vehicles not permitted to be parked outside in residential zoning districts. One vehicle, 1.5 ton capacity or less, may be stored <u>within a garage.</u>	Zoning Code. 154.233 - (G) <u>Use of parking facilities.</u> 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 <u>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.</u> 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.	
Belle Plaine	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. <u>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.</u>	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; <u>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 required 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.</u>	
New Prague	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.		
Lonsdale	"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.	<b>Commercial Vehicle - Major.</b> 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 semitrucks, 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. <b>Commercial Vehicle - Minor.</b> 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.	
Lakeville	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 11-19-7F4 of this title. (11-19-7F4 - 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, semitractor trailers, tank trucks and <u>tow trucks.</u>	

September 29, 2017

City of Elko/ New Market

I am Kevin Marek, owner of Marek's Towing & Repair. We are a local towing and automotive repair business in Lakeville, MN and have been servicing the Elko/New Market and south metro area for the past 60 years. We have ten employees, five of which live in the town of Elko/ New Market. My wife and I also live one mile north in New Market Township. So, as you can see, we choose to live and support our community.

I am writing, because I have been informed by the Chief of Police of a parking complaint of one of my tow trucks parking on Louis Street. Our driver that owns that house has owned his house and has worked at Marek's since 2006 with no other complaints of parking.

A requirement of employment at Marek's Towing requires the drivers to drive equipment home so we can assure a quick response time to accidents and public assistance for the local police & fire departments, state patrol and the County Sheriff's office.

I am aware that the wording of the city ordinance classifies tow trucks as commercial vehicles. However, because of the nature of our business and the necessity of such trucks to have fast and safe removal of roadway hazards, I am asking to have tow trucks included as emergency vehicle exemption.

Towing is a 24 hour industry and we must be available to serve the community at all hours of the day and night, which is why it is essential to the community that these employees have their vehicles with them on nights and weekends.

Our equipment is not stationarily parked in a residential area. They come and go hourly and daily as needed. The trucks would be parked residentially for on call hours only.

I have talked with both the Chief of Police and Fire Chief about response time and how it would differ if our equipment would not be with our drivers. They understand its importance and agree response times would suffer. For the safety of all Police, fire Rescue and the public we need to clear the scene quickly.

I hope you can see our request to change the wording in the parking ordnances to reclassify tow trucks as emergency vehicles as they are needed for the people that live and work in the community.

Kevin Marek

Marek's Towing & Repair Inc.

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
April 6, 2017  
7:00 PM**

**1. CALL TO ORDER**

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

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

Members absent and excused: Hartzler and ex-officio member Anderson

Staff Present: Community 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. Motion carried: (4-0).

**4. PUBLIC COMMENT**

There was no public comment.

**5. ANNOUNCEMENTS**

There were no announcements.

**6. APPROVAL OF MINUTES**

It was moved by Thompson and seconded by Vetter to approve the March 2, 2017 meeting minutes as submitted. Motion carried: (4-0).

**7. PUBLIC HEARINGS**

**A. None**

**8. GENERAL BUSINESS**

**A. 2040 Comprehensive Plan, Presentation of Inventory Chapter and Policy Plan Chapter**

Related to the 2040 Comprehensive Plan amendment, Planner Bob Kirmis presented information regarding the draft Inventory and Policy Plan chapters. He explained that the inventory chapter is broken down into two parts, and inventory of socio-economic /

demographic information, and an inventory of physical information about the land in the 2040 growth area. The socio-economic / demographic information also contains historic information as well as projections into the future. Also included in this chapter are numerous maps which depict primarily the physical inventory information. He explained that the Policy Plan chapter sets forth goals, which are the basic and fundamental plan for the development of Elko New Market into the future, and general policies that support individual goals.

It was moved by Smith and seconded by Kruckman to recommend approval of the draft Inventory and Policy Plan chapters of the draft 2040 Comprehensive Plan to the City Council. Motion carried: (4-0).

#### **B. Draft Amendment to Section 11-8-3 of the City Code, Commercial Vehicle Parking**

Renee Christianson reviewed regulations contained section 11-8-3 of the City Code pertaining to commercial vehicle parking. She stated that, upon review, staff believes the regulations that are currently written and adopted were not the intention of the Planning Commission.

She explained that there are two classes of commercial vehicles, Class I and Class II, and as currently written, all commercial vehicles are prohibited from parking in residential zoning districts. The Planning Commission agreed that Class II commercial vehicle parking should be allowed in residential zoning districts and directed staff to draft language to amend this section of the City Code.

#### **C. Discussion Regarding Yard/Garage Sales in the Business/Industrial Zoning Districts**

Renee Christianson stated that the City Council had received an inquiry regarding the ability to have a garage sale in the business zoning districts that would coincide with the citywide garage sale. She explained that zoning does not currently allow any type of garage sales in the commercial or industrial zoning districts. The only mechanism for anything similar would be a seasonal outdoor sales permit, which is issued as an administrative permit costing \$250. The Planning Commission unanimously supported the idea of allowing businesses to hold a one-weekend garage sale event coincident with the citywide garage sale event, it staff and the City Attorney could develop appropriate language in the City code.

### **9. MISCELLANEOUS**

#### **A. City Staff / Consultant Updates**

Community Development Specialist Christianson advised the Planning Commission that a formal application for the Christmas Pines development had been received. She also advised the Planning Commission about an upcoming training opportunity through SCALE to be held on April 19<sup>th</sup>.

**B. Planning Commission Questions and Comments**

There were no Planning Commission questions or comments.

**10. ADJOURNMENT**

A motion was made by Smith and seconded by Vetter to adjourn the meeting at 8:07 p.m..  
Motion carried (5-0).

Submitted by:

A handwritten signature in purple ink that reads "Renee L. Christianson".

Renee Christianson, Community Development Specialist

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
May 4, 2017  
7:00 PM**

**1. CALL TO ORDER**

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

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

Members absent and excused: Vetter

Staff Present: Community 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 Hartzler and seconded by Smith to approve the agenda as presented. Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried: (4-0).

**4. PUBLIC COMMENT**

There were no public comments.

**5. ANNOUNCEMENTS**

Community Development Specialist Renee Christianson introduced new ex-officio member Harry Anderson who will represent New Market Township at the City's Planning Commission meetings.

**6. APPROVAL OF MINUTES**

A motion was made by Smith and seconded by Kruckman to approve the minutes of the April 6, 2017 Planning Commission meeting with a minor grammatical change within the summary of business district garage sales (Item C on page 2). Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

**7. PUBLIC HEARINGS**

**A. Mahowald Rezoning**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated May 4, 2017 regarding of the rezoning of certain parcels

within The Farm First and Second Additions from R-2, Urban (Small Lot) Single Family Residential and R-3, Medium Density Residential to PUD, Planned Unit Development.

Christianson explained to the Planning Commission that the reason for the request is to allow flexibility for either single-family attached or detached townhomes to be constructed upon 14 currently platted lots. It was noted that the request would not result in any additional units from what is permitted under the current zoning.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:16 p.m.

Comments received at the public hearing were limited to those provided by the applicant Bernie Mahowald.

Mr. Mahowald, explained that the request was initially prompted by excessive costs associated with the required sprinkling of twinhomes. While Mr. Mahowald recognizes that the sprinkling requirement was recently repealed, he indicated that he wishes to follow through on his application to allow unit type flexibility.

A motion was made by Thompson and seconded by Hartzler to close the public hearing at 7:30 pm. Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

Following the received public testimony (from the applicant), the following comments/questions were raised by the Planning Commission:

- Question was raised regarding the buildability of the two lots located north of Seurer Street and east of Webster Street (Lots 1 and 2, Block 1 of The Farm 1<sup>st</sup> Addition). Due to the partial containment of wetlands within the referenced lots, the applicant indicated that he was unsure of the development potential or size of building pad for such lots.
- Question/concern was raised regarding the continuity of the two proposed unit types (single-family attached and detached townhomes). The Commission concluded that the similar size (massing) of the two unit types, coupled with covenants intended to address the visual appearance of the dwellings (imposed by an architectural review committee) should minimize visual concerns. It was however, recommended that a condition of PUD approval be added to address the highlighted visual compatibility concerns.

With no further comments from the Planning Commission, a motion was made by Smith, seconded by Kruckman to recommend approval of the rezoning of the Lots 19 and 20, Block 2, The Farm from R-1, Single Family Residential to PUD, and the rezoning of Lots 1 and 2, Block 1, and Lots 9, 10, 11 and 12, Block 2 The Farm, and Lots 5, 6, 7, 8, 9 and 10, Block 1, The Farm Second Addition from R-3, Medium Density Residential to PUD, Planned Unit Development, to allow flexibility for either single family attached or detached townhomes for the following reasons:

- 1) The proposed rezoning is consistent with the purpose and intent of the Comprehensive Plan.
- 2) Development of the site as requested is compatible with surrounding development, which consists of a mix of single family homes and attached twinhomes.

And noting that the lots shall be submit to the requirements of the R3 Medium Density Zoning District except as follows:

	<b>R-3 District Requirements</b>	<b>Suggested for Approval</b>
<b>Permitted Uses</b>	Two-family dwelling units, threeplex, fourplex, sixplex buildings	<u>Single Family</u> and Two-family dwelling units Threeplex, fourplex, sixplex buildings
<b>Lot Area</b>	7,500 sq ft'	Existing lot condition
<b>Lot Width</b>	100' for twinhome lots	Existing lot condition
<b>Front Setback</b>	25'	30'
<b>Rear Setback</b>	20'	20'
<b>Rear Setback Abutting Street</b>	25'	25'
<b>Side Setback</b>	10'	<u>Single Family Detached Townhomes</u> : 5' on one side, 10' on one side. <u>Single-Family Attached Townhomes</u> : 10' side
<b>Side Setback – Corner Lot</b>	25''	25'

And noting the following improved design elements:

- 1) Front elevations will incorporate stone or brick.
- 2) Exterior finishes will exceed minimum City requirements.
- 3) A minimum roof pitch of at least 6/12 or greater is required.

And with the following conditions:

- 1) Landscape screening must be provided along lots that back up to Webster Street.
- 2) On lots where detached townhomes are constructed, a 5' drainage and utility easement shall be granted to the City at the time of building permit.
- 3) No access will be permitted to any lot from Webster Street.
- 4) All homes shall be designed in such a manner that there is compatibility with the existing twinhome units, in terms of color and general design.

Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

## 8. GENERAL BUSINESS

### A. 2040 Comprehensive Plan

Chairman Thompson asked City Planner Bob Kirmis to present his memorandum dated May 4, 2017 regarding the 2040 Comprehensive Plan Update.

Kirmis indicated that the Planning Commission is being asked to review and provide informal feedback on two initial sections of the Development Framework component of the Plan Update, specifically the “Concept Plan” and “Natural Environment Plan” chapters of the document.

Kirmis indicated that the Development Framework phase represents the basic plan for growth and development in the City and builds upon previously completed work (the Inventory and Policy Plan).

Kirmis also noted that the Concept Plan is intended to convey general planning concepts for the City of Elko New Market and establishes a base upon which the individual plans included in the Development Framework rest.

Kirmis further indicated that the Natural Environment Plan represents the first of several categorical plans to be included in the Comprehensive Plan Update. Kirmis noted that, as part of the previously undertaken Tactics interviews, the protection of the City’s environmentally sensitive areas and related “rural feel” was highlighted as an area of prime importance to Elko New Market residents. As a result, it was indicated that specific attention is given within the Plan Update to the protection of the City’s natural resource areas.

Follow-up Planning Commission discussion was limited. Question was raised however, related to rear yard drainage and storage requirements which are referenced in the Natural Environment Plan. Specific question was raised whether such requirements apply to existing lots. City Engineer Revering explained that the requirements identified in the proposed Plan would apply to new development.

A motion was made by Hartzler and seconded by Thompson to forward the draft Concept Plan and Natural Environment Plan chapters of the draft 2040 Comprehensive Plan preceding materials to the City Council. Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

## **B. Commercial Vehicle Parking Amendment**

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated May 4, 2017 regarding the proposed commercial vehicle parking amendment.

Christianson indicated that, based upon feedback received at the Planning Commission’s April meeting, Staff has prepared a draft ordinance amendment for review and comment related to the regulation of commercial vehicle parking in residential zoning districts.

Christianson cited a concern that the City Code currently prohibits all commercial vehicles (both Class I and Class II) from being parked in residential zoning districts. As directed by

the Planning Commission, the draft amendment would make an allowance only for Class II commercial vehicles to be parked in residential districts, with limited exceptions for Class I vehicles on residential lots greater than 2 acres. Christianson noted that Class II commercial vehicles are considered those which are a maximum of eight feet in height, 24 feet in length and 18,000 pounds in weight.

Christianson also explained some example scenarios related to commercial vehicle storage.

If the proposed changes are supported by the Planning Commission, Christianson suggested that the Commission should direct staff to schedule a public hearing on the proposed ordinance amendment at the June 1, 2017 Planning Commission meeting.

Following Christianson's presentation, the following comments/questions were raised by the Planning Commission:

- Concern was raised over the \$250 annual fee required of persons who store Class I commercial vehicles upon their residential properties.
- Question was raised regarding the handling of the short-term parking of Class I commercial vehicles. Community Development Specialist Christianson explained that short-term parking of commercial vehicles is addressed in an alternative Section of the City Code and is therefore not specifically addressed in the amendment under consideration.
- Question was raised related to the regulation of tow trucks and whether the 18,000-pound threshold referenced in the definitions of Class I and Class II commercial vehicles is appropriate.
- Question was raised regarding the handling of commercial vehicles which are a form of transportation to a "secondary" job.

Considering that extent of questions raised, the Planning Commission directed Staff to survey commercial vehicle storage requirements imposed by other cities and provide such information to the Commission at their forthcoming June 1, 2017 meeting.

### **C. Temporary Outdoor Uses (Seasonal Outdoor Sales) Amendment**

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated May 4, 2017 regarding the proposed temporary outdoor uses amendment.

Christianson indicated that, based upon feedback received at the Planning Commission's April meeting, Staff prepared a draft ordinance amendment which would make an allowance for City businesses to conduct garage sales in conjunction with the City-wide garage sale.

Christianson indicated that if the proposed ordinance changes are supported by the Planning Commission, Staff suggests that the Commission direct the scheduling of a public hearing (on the proposed ordinance amendment) at the June 1, 2017 Planning Commission meeting.

Follow-up Planning Commission discussion related to the proposed amendment was limited. The Commission did however, suggest that the amendment text be modified to require businesses which wish to participate in City-wide garage sales to register with the City.

Ultimately, the Planning Commission directed Staff to schedule a public hearing for the draft amendment at the Planning Commission's June 1, 2017 meeting.

## 9. MISCELLANEOUS

**A. GTS Training Workshops.** Community Development Specialist Christianson advised the Planning Commission of the forthcoming Government Training Service (GTS) training event schedule and referred to related information included in the meeting packet. Christenson encouraged the Planning Commissioners to attend a training session, if interested.

**B. City Staff / Consultant Updates.** Community Development Specialist Christianson provided updates on the following projects:

- Christmas Pines
- Boulder Heights
- Circleview Property (residential subdivision)
- New Market Bank (commercial strip mall)
- Conversion of main Street daycare building to office use
- Barsness property

## 10. ADJOURNMENT

A motion was made by Smith and seconded by Hartzler to adjourn the meeting at 8:34 p.m. Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

Submitted by:



Renee Christianson  
Community Development Specialist

**MINUTES**  
**CITY OF ELKO NEW MARKET**  
**PLANNING COMMISSION MEETING**  
**October 5, 2017**  
**7:00 PM**

**1. CALL TO ORDER**

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

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

Members absent and excused: Vetter

Staff Present: Community 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, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried: (4-0).

**4. PUBLIC COMMENT**

Chris Marek, on behalf of Marek's Towing and Repair, approached the Planning Commission in response to a complaint received regarding the parking of a "flatbed" tow truck in a residentially zoned area of the City. Mr. Marek acknowledged that City ordinances do not allow the parking of vehicles of such size (in residential neighborhoods) but feels that, in this case, such parking is justified.

Mr. Marek explained that the tow truck in question is used to provide emergency assistance to agencies such as the state patrol and City's police department (a public service of sorts) and that the parking of the tow truck (or tow trucks) at the home of the driver improves emergency response times. In this regard, Mr. Marek requested an amendment to the City's commercial vehicle parking requirements to make an exception for tow trucks used to respond to local emergencies.

In response to Mr. Marek's request, the Planning Commission suggested that he work with City Staff and that the issue be discussed further at the forthcoming November 2, 2017 Planning Commission meeting.

**5. ANNOUNCEMENTS**

Community Development Specialist advised the Planning Commission that a groundbreaking ceremony for the New Market Bank development took place on the morning of Thursday, October 6<sup>th</sup> (2017).

**6. APPROVAL OF MINUTES**

A motion was made by Thompson and seconded by Hartzler to approve the minutes of the August 3, 2017 Planning Commission meeting with the removal of Hartzler on the vote for the Boulder Pointe 6<sup>th</sup> Addition PUD amendment (to reflect his meeting absence). Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

**7. PUBLIC HEARINGS**

There were no public hearings.

**8. GENERAL BUSINESS**

**A. Adelman Family Land Use Discussion**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated October 5, 2017. Christianson explained that the Adelman family, which owns several properties located west of the Interstate 35/ County Road 2 interchange has requested Planning Commission feedback regarding proposed uses upon the properties. Christianson also noted that the Adelman family has engaged Appro Development to assist in the development of the properties.

Christianson's presentation included an overview of the site characteristics, a history of the area/site including a memorandum of understanding between the City and property owners, an orderly annexation agreement, existing future land use designations, sanitary sewer, water, stormwater and transportation related issue, and an overview of the interchange design study. Also provided were sample buildings showing light industrial uses, and an overview of commercial development acreages associated with various areas interchange areas.

Following Christianson presentation, City Planner Bob Kirmis provided a summary of the City's historical land use planning efforts and, in particular, planning efforts related to the Interstate 35/County Road 2 interchange area.

Following Kirmis' comments, Bruce Rydeen, of Appro Development explained his company's involvement in the development of the Adelman properties and noted that the submitted mixed-use development scenario responds to perceived land use needs in the area. Rydeen noted that anticipated uses within the development would be primarily light industrial in nature and include smaller industrial users, offices, showrooms, warehousing and assembly/manufacturing facilities. Mr. Rydeen also noted that some commercial uses have also been depicted.

Mr. Rydeen further indicated that he understands the City's desire for commercial development in the area but that a market for such use presently does not exist. He noted that additional residential development in the area is needed in order to drive a demand for future retail commercial uses. Mr. Rydeen concluded his remarks by stating that his company and the property owner are looking for feedback on the submitted land use concept plan.

As a follow-up to Mr. Rydeen's remarks, the Planning Commission offered the following comments:

Commissioner Hartzler:

- Noted that the subject site (which includes lands north and south of County Road 2 on the west side of Interstate 35) is the "gateway" to the City of Elko New Market and that it is important that development upon the subject properties convey a positive image of the community.
- Highlighted the Newton Circle industrial park as an area which will be need to be addressed as part of the development of the southwest quadrant of the interchange. It was indicated that issues/challenges will likely include, but not be limited to, annexation, property access and sanitary sewer service.

Commissioner Smith:

- Generally supportive of the submitted land use concept but believes some residential uses should be incorporated.

Commissioner Kruckman:

- Supportive of the submitted land use concept as submitted, and suggested some possible residential be incorporated on the northwest area of the property.

Commissioner Thompson:

- Noted that retail commercial trends (such as e-commerce) may impact the amount of land devoted to commercial uses in the area.
- Suggested that the submitted land use concept be modified to include more commercial uses along County Road 2.
- Expressed his opinion that the submitted land use concept should be examined within the context of the overall City and the City's draft 2040 Land Use Plan.

Following the preceding Planning Commission comments, Planner Kirmis was asked to provide comment on the submitted land use concept. Kirmis stated that he recognizes that the uses identified on the plan (primarily light industrial) respond to current market demands. He did however, urge the Planning Commission to consider the City's long-term (2040) commercial needs. In this regard, Kirmis expressed an opinion that additional land devoted to commercial uses should be considered (in lieu of the proposed quantity of industrial uses).

Christianson stated her opinion that additional commercial land should be guided along County Road 2 and I-35.

Chairman Thompson suggested that the submitted land use concept be considered within the context of the City's 2040 Land Use Plan which is scheduled for initial Planning Commission consideration at the November 2, 2017 Commission meeting. It was specifically suggested that the Adelman development team monitor the Planning Commission's feedback on such Plan as such comments may influence the land use types and arrangements included in their development plan.

## 9. MISCELLANEOUS

**A. City Staff / Consultant Updates.** Community Development Specialist Christianson provided updates on the following projects:

- Boulder Heights
- Christmas Pines
- New Market Bank Addition
- Boulder Pointe 6<sup>th</sup> Addition
- Barsness property
- Dakota Acres
- Pete's Hill Park
- New coffee shop (in former Helen's Café space)
- New Farmers Insurance office (at 541 Main Street)

City Engineer Revering also provided an update on the Woodcrest sanitary sewer project.

## 10. ADJOURNMENT

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 9:18 p.m. Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0)

Submitted by:



Renee Christianson, Community Development Specialist



# **NORTHWEST ASSOCIATED CONSULTANTS, INC.**

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## **MEMORANDUM**

TO: Elko New Market Planning Commission

FROM: Bob Kirmis / Renee Christianson

DATE: November 2, 2017

RE: Elko New Market - 2040 Comprehensive Plan Update - Land Use Plan

FILE: 290.10

## **BACKGROUND**

As the Planning Commission is aware, Planning Staff has initiated work on the update of the City's 2030 Comprehensive Plan. The general approach to the 2040 Comprehensive Plan Update entails the following phases of work:

1. Planning Tactics (Issues Identification)
2. Inventory (Community Profile)
3. Policy Plan
4. Development Framework (including concept plans)
5. Implementation

Draft versions of the Planning Tactics, Inventory and Policy Plan chapters have been subject to previous review by the Planning Commission.

Attached for informal Planning review and feedback at this time is a draft version of the 2040 Land Use Plan map which will ultimately be supported by a descriptive narrative in the Plan text. The "Land Use Plan" represents one of the various plans included in the "Development Framework" Chapter of the work effort. Other plans include Natural Environment, Solar Resources, Transportation, Parks and Trails, Sanitary Sewer, Water Supply and Stormwater Management.

The "Land Use Plan" map to be included in the Comprehensive Plan is a graphic description which conveys the City's development expectations through the year 2040.

Further, the Land Use Plan is intended to promote Metropolitan Council development directives as outlined in the Thrive MSP 2040 document. As indicated in previous discussions, future residential growth in the City is expected to be achieved at densities of at least three to five units per acre.

At this point, the City Council is being asked to provide informal feedback on the draft 2040 Land Use Plan map.

Attached for reference:

Exhibit A: 2030 Land Use Plan  
Exhibit B: Ultimate Land Use Plan (Existing)  
Exhibit C: Draft 2040 Land Use Plan Map

## ISSUES

**Growth Concept.** Like Elko New Market's 2030 Comprehensive Plan, the 2040 Plan anticipates two stages of community development. The first stage guides land uses within the existing City boundaries and neighboring New Market Township lands which lie within the City's proposed 2040 Metropolitan Urban Service Area (MUSA) boundary. The 2040 MUSA boundary is proposed to mimic the existing 2030 MUSA boundary, with only a few minor changes.

The second stage guides land uses where urban services are expected to be provided at some future point beyond the 2040 planning period. This Plan, entitled the Ultimate Land Use Plan, includes portions of New Market and Cedar Lake Townships in Scott County and Webster Township in Rice County.

**2030 Land Use Plan.** As previously discussed, the City's 2030 Land Use Plan (Attachment A) basically reflects uses directed by the Southeast Scott County Comprehensive Plan which were approved by the Cities of Elko, New Market and New Market Township in 2006. To be noted is that the Plan directs a significant amount of lands for "Mixed Use." Such designation reflects some uncertainties which existed at the time of Plan preparation related to the guidance of individual parcels for various land uses. The "Mixed Use" designation was intended and does provide the City with a degree of flexibility related to uses which may be accommodated. The "Mixed Use" category allowed percentages of single-family residential, multi-family residential and commercial.

**2040 Land Use Plan.** The 2040 Land Use Plan incorporates lands which presently lie within the existing City limits and those unincorporated bordering areas of New Market Township which lie within the City's proposed 2040 MUSA boundary.

To be noted is that lands located outside the City of Elko New Market's municipal boundaries, but within the City's Ultimate Service Area, are presently reserved for urban development by the Scott County Land Use Plan and implemented through County Zoning and Subdivision Ordinance requirements. Specifically, such areas are guided "Urban Expansion" or "Urban Transition" which designates maximum residential densities of 1 unit per 40 acres.

Like the City's 2030 Plan, it is the intention of this 2040 Comprehensive Plan to preserve the areas currently outside the City boundaries in accordance with the Scott County Land Use Plan until such time that public utilities are made available and/or areas are annexed into the City. Upon annexation, the City's Land Use Plan and land use ordinances (zoning and subdivision) shall take precedence over the County Plan and ordinances.

A primary change in the proposed 2040 Land Use Plan is the elimination of the "Mixed Use" land use category in favor of more traditional land use classifications. This includes medium and high density residential uses which are not currently provided in the 2030 Plan.

Attached for the Planning Commission's consideration and feedback is a 2040 Draft Land Use.

**Land Use Category Descriptions.** Following is a description of the various land use categories referenced on the draft Land Use Plan alternatives:

Low Density Residential. Typical uses in this category are single family detached dwellings. Other dwelling types/designs may be allowed by planned unit development. The average residential density is 2.7 dwelling units per net acre, with a range of 2 to 4 units a net acre.

Medium Density Residential. Typical uses in this category are two-family dwellings, three-plexes, four-plexes and townhouses/condominiums which do not exceed eight units per building. The average residential density is 6 dwelling units per net acre, with a range between 4 and 8 units per net acre.

High Density Residential. Typical uses in this category are multiple family dwelling structures which contain more than eight dwellings. The average residential density is 10 units per net acre with a range between 8 to 20 units per net acre.

Town Center. This category is a special designation applied to the City's traditional "downtown." areas. It strives to balance civic center and contemporary commercial features with new cultural focused institutions and enterprises, and redevelopment potential of retail and service uses.

Town Center projects (possibly planned unit developments) may include residential, commercial and institutional developments, but by and large will consist of a mix of commercial and multi-family residential uses. The goal for the Town Center designation is to maintain average land use distributions of 50 percent attached and multi-family homes, 45 percent commercial uses and 5 percent single family homes.

The average residential density in this category is 8 units per net acre with a range between 5 to 10 units per net acre.

Commercial. The commercial land use category is characterized by a wide range of commerce, recreation and entertainment uses which have a trade area within the community, and under certain conditions, the region (e.g. Elko Speedway).

An important role of the commercial land use category is to provide a location for goods, services and employment opportunities related to both the continued dependence upon the automobile for high mobility and in the case of the City's Downtown, a walkable commercial center.

Allowed uses in the commercial land use category are to be specifically defined via the application of various commercial zoning districts and can vary greatly.

Business Park. The business park land use category is intended to provide for the establishment of business offices, wholesale showrooms, and related uses in an environment which provides a high level of amenities, including landscaping, preservation of natural features, architectural controls, pedestrian trails, and other features. This may include light industrial uses which do not allow for outside storage.

Business parks can serve small professional services in a group setting whereas such uses might otherwise be located in retail centers or in scattered freestanding buildings. High design standards should be imposed to ensure compatibility with nearby high density residential housing.

Industrial. This classification is characterized by industrial uses of varied scale and intensity. Primary uses include business offices, wholesale showrooms, light industrial uses, distribution centers and manufacturing facilities.

Uses in this category vary in scale and intensity by zoning district.

Park / Public and Semi-Public. This classification is characterized by public and semi-public facilities and institutions which provide necessary services to the City and have their own unique set of land use characteristics. Such uses frequently operate on a nonprofit basis rather than the sale of goods and services.

Typical uses in this category include facilities which are ancillary to an urban community including governmental facilities and offices, schools, churches, parks and utility sites.

**Ultimate Land Use Plan (Post 2040).** The Ultimate Land Use Plan is intended to provide a vision of the City of Elko New Market at full development. Recognizing that it will likely take more than 60 years to realize the ultimate build-out of the area, the Ultimate Land Use Plan allows the City and surrounding Townships to plan for expensive, long-term infrastructure, calculate the costs of growth and utilize available resources in a cost-effective manner. It is the intention of this Comprehensive Plan to

preserve areas currently outside the City municipal boundaries until such time that public utilities are made available or the area is annexed into the City.

While Planning Commission examination of a draft version of the Ultimate Land Use Plan is not requested at this time, Planning Staff feels it is important to provide some related background information. The City's current Ultimate Land Use Plan is depicted on Exhibit B.

The Metropolitan Council's *Thrive MSP 2040* development guide stipulates that "Rural Center" communities such as Elko New Market must identify areas that will accommodate post 2040 growth forecasts and implement strategies to preserve these areas for future growth. This directive mimics a similar policy which was provided in the Metropolitan Council's 2030 Regional Development Framework.

As part of the City of Elko New Market's 2030 Comprehensive Plan, an effort was made to implement this strategy by establishing a boundary line which delineates areas that would be ultimately served by public sanitary sewer and water services (public utilities). Many factors were considered in determining where physical constraints would make it very difficult or cost prohibitive to extend public utilities. These factors included an analysis of the location and configuration of existing parcels, topography and natural geographic boundaries, natural resources, transportation corridors, and other general development constraints. Ultimately, a long-term public utility service area was determined. The boundaries of such long-term public utility service area are illustrated on Ultimate Land Use Plan.

Elko New Market's 2040 Plan likewise considers land uses for property which lies outside of the 2040 MUSA boundary but within the City's ultimate urban service area boundary. The boundaries or limits of the 2040 Ultimate Land Use Plan are the same as those applied to the City's 2030 Ultimate Land Use Plan.

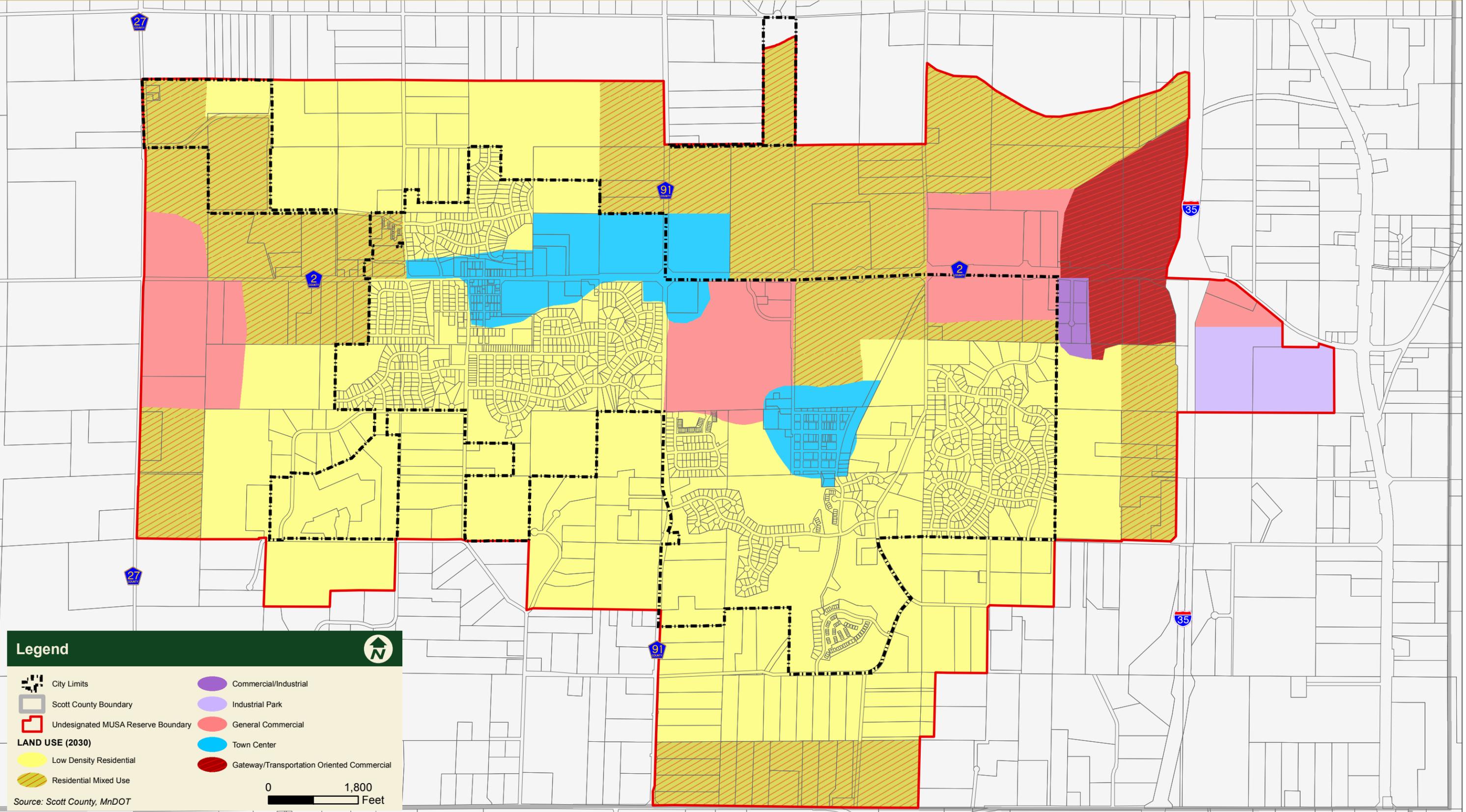
## **RECOMMENDATION**

At this point, the Planning Commission is being asked to provide feedback on the draft Land Use Plan.

Based on received feedback, staff proposed to have additional review of the draft Land Use Plan, Transportation Plan, and Park & Trail Plan at the December and January Planning Commission meeting.

cc: Tom Terry  
Rich Revering

Map Document: \\METROSOUTH\GIS\ELNM\Basemap\ESRI\Maps\_Basemaps\ELNM\_2030\_CompPlan\_Update\_11x17.mxd | Date Saved: 9/10/2015 8:10:57 AM

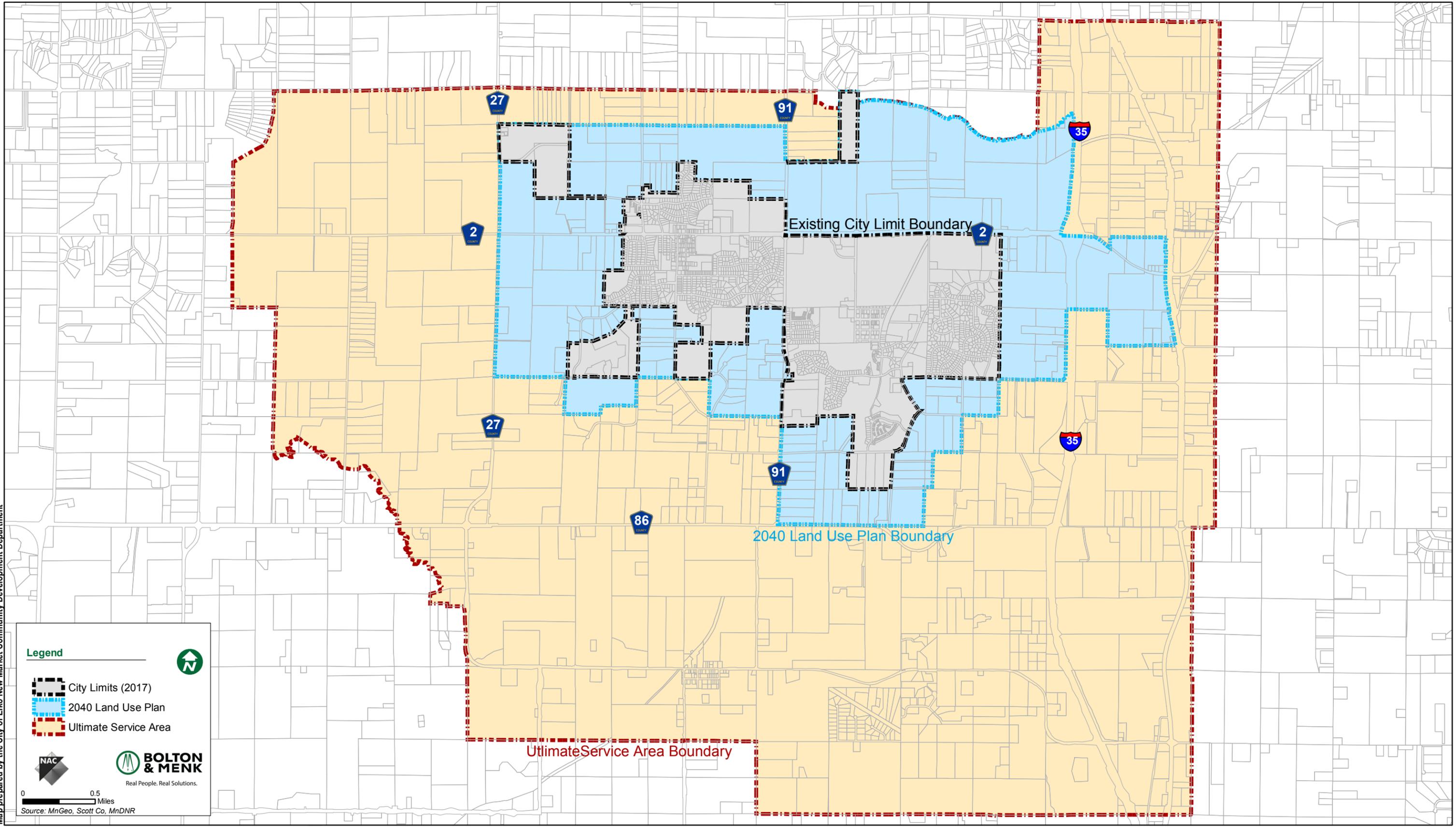


**Legend**

City Limits	Commercial/Industrial
Scott County Boundary	Industrial Park
Undesignated MUSA Reserve Boundary	General Commercial
<b>LAND USE (2030)</b>	
Low Density Residential	Town Center
Residential Mixed Use	Gateway/Transportation Oriented Commercial

0 1,800 Feet

Source: Scott County, MnDOT



**Legend**

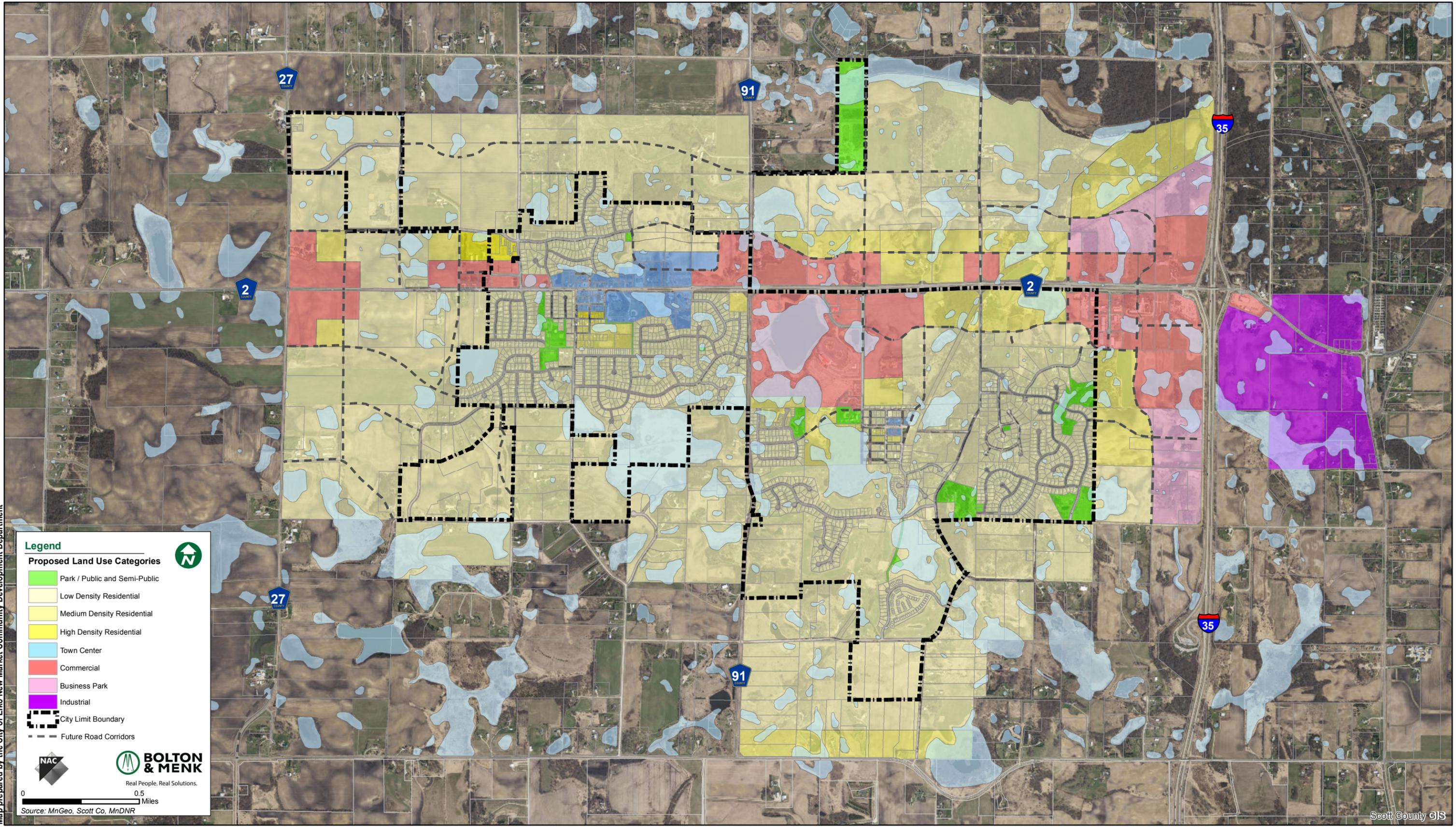
-  City Limits (2017)
-  2040 Land Use Plan
-  Ultimate Service Area



0 0.5 Miles

Source: MnGeo, Scott Co, MnDNR

Map prepared by the City of Elko New Market Community Development Department



**Legend**

**Proposed Land Use Categories**

- Park / Public and Semi-Public
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Town Center
- Commercial
- Business Park
- Industrial
- City Limit Boundary
- Future Road Corridors

**BOLTON & MENK**  
 Real People. Real Solutions.

0 0.5 Miles  
 Source: MnGeo, Scott Co, MnDNR

Map prepared by the City of Elko New Market Community Development Department



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:** NOVEMBER 1, 2017

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### **Background / History**

The purpose of this memo is to provide the updates regarding on-going 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:

**Boulder Heights** – The first phase of the development, containing 53 residential lots, received final plat approval on 9.28.17. A preconstruction meeting was held on 10.9.17. An early grading permit was issued on 7.25.17 for the first phase. The City Engineer has signed off of the construction plans; the developer may begin construction of utilities and streets at any time.

**Christmas Pines** – The development received preliminary plat approval in June. The City issued a Notice of Decision on the wetland boundary and type application on 5.18.17. The application for wetland replacement was approved by the City Council on 10.26.17. Staff met with the developer to review outstanding issues and draft development contract on 8.30.17, and an email outlining all outstanding items was sent to the developer on 9.11.17. The City is waiting for revised plan submittals and information from developer. Further movement on the project is in the developer's court.

**New Market Bank Addition** – The development was approved by the City Council on 8.28.17. The investor closed on the property (purchase) on 9.29.17. The building permit application was issued and a groundbreaking ceremony was held on Thursday, 10.5.17. Construction is underway and expected to take approximately six months.

**Boulder Pointe 6<sup>th</sup> Addition** – An amendment / restatement of the original PUD / townhome development was approved by the City on 8.24.17. The amendment allows more flexibility for the developers in terms of housing styles, and reduces the required setbacks between the units. Thirteen additional units can be constructed in the townhome development; one home is now under construction.

**Warren Barsness** – An application for wetland boundary and type concurrence, and wetland replacement plan was submitted, but were withdrawn on 8.10.17. Included in the withdrawal notification [email] was indication that the property owner will be working with an engineering company to create grading and

Community Development Updates

11/1/17

Page 1 of 2

concept plans that will be presented to the Planning Commission as part of a PUD concept plan application. As of 10.30.17 no development applications have been submitted to the City. A previous grading permit that allowed the property owners to bring in up to 20,000 yards of fill expired on 10.4.17.

**Dakota Acres** – The City Council approved a purchase agreement with Syndicated Properties on 7.27.17 for the purchase of 13 platted townhome lots and a 2.1 acre outlot owned by the City. All contingencies of the purchase agreement were satisfied and a closing took place on 10.23.17. The developer purchasing the property intends to construct additional townhomes on the property being purchased. Following the purchase, the City will own a remaining 3.1 acre property that is still available for purchase/development. There are currently two parties expressing mild interest in the remaining property.

**Adelmann** – 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. The consultant has prepared some concept development plans and proposed/requested land use categories that they presented to the Planning Commission on 10.5.17. This project is a result of a CDA grant provided to the City. The Adelmann's have also requested that the City facilitate a second CDA grant application for the 2018 EDI grant program which would allow them to do continued work including an AUAR.

**Pete's Hill Park** – Staff has been regularly communicating with the broker and property owner for this potential residential development project. The project requires annexation of property from New Market Township. A meeting was held on 7.18.17 to discuss annexation, process, and City fee estimates. The wetland boundary and type concurrence applications have been submitted to the Township for approval. The most recent concept development plan was submitted to the City on 8.9.17 and staff provided revised development fee estimates to the property owner on 8.10.17. In a discussion with the property owner on 9.11.17 he indicated that they continue to review the development costs which are “challenging”. In reviewing the estimated costs with a number of developers he indicated the estimated profit margins are not enough to secure interest by a developer. They may be approaching the City for ideas on how to make the project financially feasible. Topography, wetlands and trees add to the challenge of developing the property.

**Grocery Store Leads** – There are no current grocery store or C-store leads. Staff received several inquiries in the spring of 2017; activity regarding these leads has ceased, at least for the time being.

**Coffee Shop** – A building permit has been issued for a tenant finish permit in the Joe Friedges strip mall on Church Street. The permit was for a remodel to finish the former Helen's Café space as a coffee shop.

**Farmer's Insurance** – A building permit had been issued for a remodel at 541 Main Street. The remodel is nearing completion and will be the new home to a Farmer's Insurance office.

**Building Permits** – The City has received eight building permits for new construction in 2017.

**Park I-35** –The RFP for the Amazon Headquarters Facility has been released and the City, in conjunction with the Scott County First Stop Shop, submitted the Park I-35 site and associated properties. The State of Minnesota submitted multiple sites in the Twin Cities and there were 238 sites submitted across the country. Following a high level of inquiries in 2016 and the spring of 2017, there are no active inquiries or leads for the Park I-35 Industrial Park other than the Amazon Headquarters.

