

MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
April 24, 2018
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, Kruckman, Smith, Vetter and Hartzler

Members absent and excused: Ex-officio member Anderson

Staff Present: City Administrator Terry, Community Development Specialist Christianson, City Planner Kirmis and City Engineer Revering

Separate

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 written. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

4. PUBLIC COMMENT

There were no public comments.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A motion was made by Vetter and seconded by Kruckman to approve the minutes of the March 27, 2018 Planning Commission meeting as written. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

7. PUBLIC HEARINGS

A. Rezoning and Preliminary Plat of Barsness 1st Addition - Warren Barsness Applicant

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated April 24, 2018 related to the Barsness rezoning and preliminary plat request. Christianson explained that the City has been working with

Warren Barsness regarding a possible commercial development located at the southeast quadrant of Co Rd 2 and Co Rd 91 for a number of years.

Christianson stated that the Planning Commission and City Council reviewed a PUD sketch plan application for the proposed development in March of 2018 and provided informal feedback at that time. Christianson explained that the applicant has made several revisions to the plans in response to previously received feedback and has now requested formal approval of the following:

1. **Rezoning** of the 10-acre subject property from B-1, Neighborhood Business to PUD, Planned Unit Development to allow for a commercial development containing a combination gas station and grocery/convenience store containing approximately 6,700 square feet, a 2,000 square foot carwash containing two drive-through bays, an attached 2-story speculative office / retail building containing approximately 16,800 square feet, and two freestanding speculative office/retail buildings.
2. A **preliminary plat** entitled Barsness 1st Addition, containing three lots and one outlot on ten gross acres.

Community Development Specialist Christianson summarized the following development issues identified in her memorandum dated April 24, 2018:

- Purpose of PUD (and requested flexibilities)
- Setbacks
- Height requirements
- Building design requirements
- Canopy and pump island design
- Carwash design and vehicle stacking space
- Site circulation
- Off-street parking
- Trash enclosure
- Landscaping
- Lighting
- Signage
- Easements
- Transportation issues (including site access)
- Trails
- Wetlands
- Utilities
- Park dedication

Christianson stated that Staff is supportive of the proposed uses upon the property (motor fuel station, carwash, convenience store, retail and office uses) but believe some design-related concerns exist which are in of need further attention. Christianson indicated that such concerns include the following:

Street Access. The design of the public street access into the property is not supported by Scott County or the City Engineer. The public street access as currently proposed does not allow for snow storage or turning around within the proposed City right-of-way.

Building Finish Materials. Question exists as to whether the finish materials on the motor fuel station building meet Ordinance requirements (Title 11-26A-A of the City Code).

Landscaping. Question exists whether the proposed landscaping plan is acceptable as a “trade-off” for reduced green space requirements (5 feet as opposed to the required 15 feet) and reduced drainage and utility easement widths (5 feet as opposed to the required 10 feet).

Carwash Stacking Space. The Code requires four stacking spaces per wash bay and three stacking spaces (per wash bay) have been proposed.

Christianson stated that feedback from the Planning Commission is requested regarding the acceptability of the proposed building finish materials, landscaping and carwash stacking space.

At the conclusion of her presentation, Christianson stated that Staff recommends that the Planning Commission hold the public hearing and then continue the item to allow the applicant time to address the preceding items. Following Community Development Specialist Christianson’s presentation, the Planning Commission raised questions related to the following:

- Canopy height and compliance with applicable City requirements.
- A Scott County recommendation related to the removal of certain off-street parking spaces near the proposed County Road 91 access.
- The design of proposed public street access points and approval responsibilities (County and/or City?).

Following the Planning Commission discussion, Chairman Thompson opened the public hearing at 7.47 p.m. The following comments were received at the public hearing:

Dale Runkle. Mr. Runkle spoke on behalf of the applicant/property owner and offered the following comments related to the development proposal:

- Question was raised as to why access points to the subject property (from County Roads 2 and 91) cannot be private in nature.
- It was contended that site access, as currently proposed, should be considered acceptable to the City.
- The property owner is willing to maintain the required public road access turnaround areas. Maintenance of such access points would include snow removal and roadway surface upkeep.

- Question was raised related to the need for City snow plows to be provided ample turnaround area within the City street right-of-way areas which access the property. Mr. Runkle suggested that City snow plows simply drive through the site in a manner similar to fuel trucks which will routinely frequent the motor fuel station.
- Question was raised regarding the identification of County and City rights-of-way dedication on the plat drawing.

As a follow-up to Mr. Runkle's comments, Chairman Thompson questioned whether the applicant could seek a variance from the County to allow private access to the subject site or to accommodate access as presently proposed by the applicant.

Also, in response to Mr. Runkle's comments, City Engineer Revering presented several public street design options which would be supported by the City.

Warren Barsness. Mr. Barsness, the applicant/property owner, offered the following comments related to the development proposal:

- Like Mr. Runkle, he also believes that the proposed site access in its current configuration should be considered acceptable.
- Carwash stacking space can be increased via a reduction in the carwash building's depth.

In response to Mr. Barsness' access-related comment, Planning Commission Hartzler questioned whether the southernmost building on the site could be reconfigured or reduced in size as a means of providing additional land area to devote to the County Road 91 street access.

Mayor Bob Crawford. Mayor Crawford reiterated a previous Staff comment related to the County's intent to control access to the subject site.

City Engineer Rich Revering informed the Commission of a phone call that he had received from adjacent property owner Tom Ryan who is contesting the proposed connection to the stormwater pond on his (Ryan) property.

Commissioner Smith asked if there has been discussion with property owner to the south regarding a potential shared access from County Road 91. Mr. Barsness stated that most recent discussion with that property owner indicated he was not interested in participating in a shared access point.

Following significant discussion on the access issue and as follow-up to received public testimony, Chairman Thompson reiterated the need to resolve cited property access issues prior to the project moving forward in the development review process.

Community Development Specialist Christianson then reviewed the following set of Planning Commission recommendations to be addressed by the applicant as the project continues to move forward:

- 1) The developer must enter into a Planned Unit Development Developer's Contract with the City of Elko New Market, and the Agreement must be approved by the City Council prior to final plat approval of the site.
- 2) The final development, grading, utility and construction plans shall be subject to the approval of the City Engineer and Public Works Director, and shall be revised to address the recommendations of the City Engineer's April 20, 2018 review memo.
- 3) The proposed access to the site shall be subject to the recommendations and approvals of the Scott County Highway Department.
- 4) The B1 Neighborhood Business District standards apply to the development, except as specifically noted in the table describing allowable variations.
- 5) All approvals are subject to the approval of all wetland applications, including wetland boundary concurrence and approval of the wetland replacement plan.
- 6) Cross access easements will be required to ensure perpetual access to proposed Lot 2.
- 7) Brick and/or stone features shall be integrated into the front building façade of the motor fuel station building to meet the requirements of Title 11-26A-4 of the City Code.
- 8) Buildings will be required to have increased design standards as a "trade-off" for the PUD variations. The building facades visible from public rights-of-way shall incorporate detail using colors, textures, and varying material treatments to break up the facades and provide a high degree of aesthetic treatments. The exterior wall treatments for the motor fuel station building shall incorporate brick, stone, decorative concrete block or stucco. The predominant exterior building material for the buildings on proposed Lots 1 & 3 shall consist of brick or stone. The front facing facades of buildings shall include 40% windows.
- 9) The landscape plan shall be enhanced to incorporate items such as flowering perennials, boulders, benches, etc. The trees located near the stormwater pond shall be removed from the landscape plan.
- 10) The lighting plan dated 12/11/17 shall be amended to meet the requirements of Title 11-4-7 of the City Code; the plan submitted exceeds the allowable 1 foot-candle reading at the property line.
- 11) The three proposed freestanding signs shall be compatible with a historic downtown design, shall be limited to monument signage, and must comply with the requirements of the B1 zoning district.
- 12) The plans shall be amended to depict a 10' shared use path / trail (as opposed to the 8' trail currently shown). The trail may be constructed by the developer, or constructed with the proposed roundabout project with a financial contribution covering the cost of construction from the developer.
- 13) The plans shall be amended to clearly depict a pedestrian route from the perimeter trail/sidewalk system into the proposed motor fuel station building.
- 14) The developer shall contribute cash in-lieu-of park land dedication, as recommended by the Parks Commission.
- 15) The applicant must enter into a Fire Hydrant Maintenance Agreement for any hydrants which may be placed within the private property.
- 16) An emergency /rapid access system will be required on the proposed commercial buildings at the time of construction.
- 17) The applicant is to verify the legality of connecting to the existing County stormwater pond located on Tom Ryan's property.

And noting that:

- 1) The plans, as currently submitted, do not depict a southbound left turn lane into the site from County Road 91, and the applicant has not formally requested the southbound left turn lane at this time.

Following the received public testimony and follow-up Planning Commission discussion, a motion was made by Hartzler and seconded by Kruckman to close the public hearing at 8:50 p.m. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

A motion was then made by Smith and seconded by Kruckman to continue the rezoning and preliminary plat request to allow the applicant time to address the various issues and conditions as identified above and contained in Community Development Specialist Christianson's memorandum dated April 24, 2018. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

8. GENERAL BUSINESS

A. Adelman Properties Concept Plan

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated April 24, 2017. Christianson explained that the Adelman family owns several properties located west of the Interstate 35/ County Road 2 interchange and has engaged Appro Development to assist in the development plans for the properties.

Christianson provided some historical background on the project and specifically noted that conceptual land use plans for the properties were subject to previous Planning Commission review and feedback in the fall and winter of 2017.

It was noted that the portion of the development site located on the north side of County Road 2 contains approximately 192 acres and the area located on the south of the County Road contains approximately 52 acres. Christianson stated that the City's 2030 Comprehensive Plan guides the properties primarily to commercial land uses with some residential uses. She noted that the Adelmans have worked with the City's Planning Commission to identify future land uses to be incorporated into the City's 2040 land use plan. Once the future land use designations were agreed upon, the conceptual development plans were created. It was noted that the 2040 land use plan has not been officially adopted but there was a preliminary consensus by the Planning Commission and City Council regarding future land uses.

Community Development Specialist Christianson stated that Adelman Family and their development team are seeking feedback from the Planning Commission and City Council regarding the updated concept plan. Christianson explained that the development team is seeking City endorsement of the conceptual layout, and that an agreed upon arrangement of streets and uses will help in the marketing the property.

Following Christianson's presentation, the Planning Commission expressed their opinion that the updated concept plan sufficiently addresses previously conveyed issues/concerns. In this regard, the Planning Commission found the various illustrated uses and their arrangement to be well-conceived and was therefore supportive of the development concept.

A motion was made by Smith and seconded by Vetter expressing support for the submitted Adelman Properties development concept. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

B. Zoning Ordinance Amendment - Commercial Vehicle Parking

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated April 24, 2018 related to a proposed commercial vehicle parking amendment.

Christianson explained that, at the Planning Commission's March 6, 2018 meeting, the Commission recommended approval of a Zoning Ordinance amendment which corrected an inconsistency regarding the regulation of commercial vehicle parking in residential zoning districts. At the time of amendment consideration, the Ordinance prohibited the parking of all commercial vehicles, both Class I and Class II vehicles, on all residentially-zoned lots.

Christianson noted that the City Council ultimately approved the described amendment with the following changes (as recommended by the Planning Commission) at their April 12, 2018 meeting:

1. The parking of Class 1 commercial vehicles in residential zoning districts be prohibited.
2. An allowance be made for the parking of up to two Class II commercial vehicles residential zoning districts.
3. Commercial vehicle parking (storage) which is afforded "grandfather rights" be allowed via a one-time registration rather than annual permit as presently required by the Ordinance.

While not part of the amendment under formal consideration (or referenced in the public hearing notice), Christianson stated that the Planning Commission has received input and discussed the possibility of reviewing the definitions of Class I and Class II commercial vehicles at some future point (to possibly reference gross vehicles weight rating and dimensions rather than vehicle type). Considering that all Planning Commission members are expected to be in attendance at the April meeting, Christianson indicated that the topic was placed on the agenda for informal discussion/consideration.

Community Development Specialist then reviewed the City's present definitions of Class I and Class II commercial vehicles as provided below:

***Class I:** Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight,*

including, but not limited to: semitrailers, the tractor portion of semitrucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

Class II: *All vehicles other than class I commercial vehicles including pickup trucks, vans, trailers and school buses designed to carry twenty (20) persons or less. 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.*

Christianson noted that if the Commission wanted to remove the specific vehicle types described in the Class I vehicle definition, by cross-referencing the existing definition of a Class II vehicle it can be concluded that a Class I commercial vehicle is also considered any vehicle greater than eight feet in height and twenty-four feet in length.

Christianson also summarized Staff research which was conducted on physical limits which other area communities place upon commercial vehicles.

Although there was no clear consensus on the issue, Christianson explained that, in previous discussions, the Planning Commission raised the possibility of removing the portion of the Class I commercial vehicle definition which relates specifically to vehicle type and instead base such definition strictly upon vehicle weight and size. In this regard, it was noted that a draft Ordinance amendment has been prepared for discussion and is included in the Planning Commission's meeting packet. Community Development Specialist Christianson noted that the draft amendment reflects existing vehicle weight, height and length requirements which are imposed by the City.

Community Development Specialist Christianson concluded her presentation by advising the Planning Commission that only informal feedback on the amendment is requested at this time. If the Planning Commission supports a change to the definition, the Commission should direct staff schedule a public hearing on the matter.

Following Community Development Specialist Christianson's presentation, the Planning Commission offered the following comments:

- Commissioners Smith and Kruckman suggested that references to various commercial vehicle types in the definitions of commercial vehicle (both Class I and Class II) be eliminated such that commercial vehicles are regulated solely by physical characteristics (weight, height and length).

Commissioner Hartzler indicated that he is not opposed to the Ordinance as it is currently written, and that he personally is not opposed to the parking of a small tow truck in residential zoning districts.

Commissioners Thompson and Vetter indicated that they do not feel that any changes to the existing commercial vehicle definition are needed.

Several Commissioners expressed concern over the maximum eight-foot height restriction currently placed upon Class II commercial vehicles. To better respond to

recent dimensional changes in work van design, it was suggested that the maximum height limitation imposed upon Class II commercial vehicles be increased from eight to nine feet.

Following a lengthy discussion, the majority of the Planning Commissioners expressed support for an Ordinance change to define commercial vehicles solely by physical characteristics and eliminate current vehicle type references in the definition. In this regard, the Commission directed staff to schedule a public hearing to consider such an amendment.

A motion was made by Smith and seconded by Hartzler directing Planning Staff to schedule a public hearing to consider a change to the definition of “commercial vehicle” and that the draft amendment text be changed to make an allowance for Class II commercial vehicles up to nine feet in height. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

9. MISCELLANEOUS

A. Planning Commissioner Membership

Community Development Specialist Christianson announced the resignation of Kent Hartzler from the Planning Commission.

B. Community Development Updates

Community Development Specialist Christianson provided updates on various City projects as provided in her memorandum dated April 5, 2018. Specific discussion took place regarding the following projects:

- Dakota Acres
- Boulder Heights
- Pleasant Hills
- Boulder Pointe 7th Addition
- Barness project

10. ADJOURNMENT

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 10:09 p.m. Vote for: Thompson, Kruckman, Smith and Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

Submitted by:



Renee Christianson
Community Development Specialist