

**MINUTES**  
**CITY OF ELKO NEW MARKET**  
**PLANNING COMMISSION MEETING**  
**August 3, 2017**  
**7:00 PM**

**1. CALL TO ORDER**

Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:03 p.m.

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

Members absent and excused: Kruckman and Hartzler

Staff Present: Community Development Specialist Christianson, City Planner Kirmis and Assistant City Engineer Ripke

**2. PLEDGE OF ALLEGIANCE**

Chairman Thompson led the Planning Commission in the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

A motion was made by Vetter and seconded by Smith to approve the agenda as presented. Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried: (3-0).

**4. PUBLIC COMMENT**

Alex Knutson (203 Maverick Avenue) questioned City Staff and the Planning Commission in regard to any future plans for the Winkler property located north of County Road 2 between Dakota Avenue and Todd Street.

Community Development Specialist Christianson advised Mr. Knutson that the site in question is zoned B-1, Neighborhood Business and that a variety of retail commercial uses, as allowed in the district, can be anticipated on the property at some future point.

**5. ANNOUNCEMENTS**

There were no announcements.

**6. APPROVAL OF MINUTES**

A motion was made by Thompson and seconded by Smith to approve the minutes of the June 1, 2017 Planning Commission meeting as written. Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried (3-0).

## 7. PUBLIC HEARINGS

### A. New Market Bank Multi-Tenant Commercial Building

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated August 3, 2017. Christianson explained that Greystone Construction wishes to construct a two-phase multi-tenant commercial building upon a 3.8-acre site located north of County Road 2 and west of Dakota Avenue (Outlot B, Old Town). To accommodate the proposal, Christianson noted that the applicant has applied for the following:

1. Rezoning of the property from PUD, Planned Unit Development to B-1, neighborhood Business.
2. Conditional Use Permit to allow an accessory drive-through lane (one on each end of the proposed building).
3. Variance from drive-through lane vehicle stacking space requirement for banks.
4. Preliminary/final plat approval (New Market Bank Addition)

Christianson highlighted the following items as addressed in detail within her memorandum:

- Project background
- Required approvals (applications)
- Application approval criteria
- Project design features:
  - Building finish materials
  - Off-street parking
  - Landscaping
  - Signage
  - Lighting
  - Utility service
  - Site access
  - Sidewalks/trails
  - Park dedication

Christianson concluded her presentation by stating that Staff recommends approval of the various applications subject to the conditions as listed in the August 3, 2017 Staff memorandum.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:27 p.m. Comments received at the public hearing were limited to the following:

Gordon Schmitz - Greystone Construction. Mr. Schmitz, representing the project as the applicant, voiced opposition to a recommended condition of project approval.

Specifically, Mr. Schmitz opposed a recommendation of Scott County, City Planning Staff and the Elko New Market Park Commission that a trail be constructed along County Road 2. Mr. Schmitz expressed concern over the cost of such improvement. Mr. Schmitz also expressed his belief that such trail likely would not be utilized (as it would not connect to another trail and/or destination).

Chris Foster - 27160 Hickory Ridge Drive. Mr. Foster expressed his opinion that the construction of a trail along County Road 2, as recommended by City Staff, should be constructed in association with the proposed project.

Cal Schumacher - 4766 260<sup>th</sup> Street East. Mr. Schumacher raised question as to whether new plantings will be provided around the existing ponding area located east of the proposed strip center building (west of Dakota Avenue). Community Development Specialist Christianson advised Mr. Schumacher that a landscape plan has not, to date, been submitted and that plantings around the ponding area are not required by Ordinance. Christianson further stated that substantial plantings around the ponding area may not be desired in such location as they could impact visibility of the commercial project at the County Road 2 / Dakota Avenue intersection. She noted that landscape screening will be required near the drive-through lanes.

Following the received public testimony, a motion was made by Smith and seconded by Thompson to close the public hearing at 7:35 pm. Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried (3-0).

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

- Commissioner Vetter voiced general support for the project and specific support for the requested stacking space variance (associated with the proposed bank).
- Commissioner Smith suggested that the County Road 2 trail (as recommended as a condition of project approval) be required at the time of phase 2 development.
- Commission Chairman Thompson expressed his opinion that a parking lot connection to the Firehouse Grille property to the west is more important than the County Road 2 trail at this time (to avoid a dead-end parking arrangement on the Firehouse Grille site). With this in mind, Chairman Thompson recommended that the County Road 2 trail not be required as a condition of project approval and that, as an alternative condition, a parking lot connection to the Firehouse Grille be required.
- As a follow-up to Chairman Thompson's suggestion, the Planning Commission concluded that condition #8 of the Staff report which would require the construction of a trail along County Road 2 should be omitted and that a condition should be added to require a parking lot driveway connection to the Firehouse Grille property to the west.

Following the Planning Commission discussion, a motion was made by Smith and seconded by Vetter to recommend approval of the following:

Request for Rezoning #R5-2017 to rezone the property from Planned Unit Development (PUD) to Neighborhood Business District (B1) for the following reasons:

1. Rezoning of the property to B1 is consistent with the City's Comprehensive Plan, which allows commercial uses within the Residential Mixed Use land use designation.
2. The proposed use of the property for neighborhood commercial purposes will be consistent with the use of the property to the west which is used for commercial purposes, and the property to the east, which is currently zoned B-1.
3. The proposed use complies with all performance standards of the B1 district, except that a variance is being requested to allow fewer vehicle stacking spaces for the proposed bank drive-through window than required by City Code.
4. The City's existing infrastructure can accommodate the proposed commercial use of the property.
5. The site boarder on a City local street, a City collector street, and a County minor arterial street, which can adequately handle the commercial traffic from the site.
6. The proposed B1 zoning allows similar use of the property as the current PUD zoning.

And noting that:

1. The conditions contained in Old Town Firehouse Planned Unit Development Agreement, recorded in the Office of the Scott County Recorder as Document #733670, are released upon rezoning of the property to B1 and no longer apply.

Request for Conditional Use Permit #C1-2017 to allow accessory drive-through lanes, for the following reasons:

1. The drive-through lane proposed on the west end of the building has been designed to meet City Code requirements, including the amount of required vehicle stacking space. The bank drive-through window proposed on the east end of the building has been designed to meet City Code requirements, with the exception of the required number of vehicle stacking spaces for banks. The Code requires five spaces for each window; four spaces have been provided. A variance has been approved due to a change in the banking industry since the advent of on-line banking.
2. The site has been designed to allow circulation options within the site and around the building; the proposed drive-through locations will not interfere with access into or within the site.
3. The accessory drive-through facilities have been designed in a manner that will prevent vehicle stacking into public streets or rights of way.
4. The vehicle stacking lanes and drive-up windows have been designed on the easterly and westerly sides of the building, in locations that do not face residentially zoned or utilize properties. On the westerly end of the building, there is sufficient change in grade/elevation to prevent vehicle headlight glare towards the residential properties to the south.

And with the following conditions:

1. The drive-through lanes are permitted as shown on the civil plans dated July 27, 2017.
2. Landscape screening will be required on the east side of the easterly drive-through to screen it from public street rights-of-way. Landscape screening will be required on the west side of the westerly drive-through. Screening can be placed within the raised islands.
3. A lighting plan meeting the requirements of Section 11-4-7 of the City Code will be required prior to building permit approval.
4. An emergency / rapid access system will be required on the proposed commercial building at the time of construction.

And noting that:

1. The proposed development has been reviewed the City Engineer, Public Works Director, the Police Chief and the Building Official.

Request for Variance #V1-2017 from the requirement that banks provide five drive-through vehicle stacking spaces, and allow four spaces, for the following reasons:

1. Granting the variance is not based on economic conditions, but based on the reduced need and activity at bank branch offices and drive-through windows since the onset of on-line banking.
2. There is a practical difficulty in requiring vehicle stacking spaces that are not needed by the banking industry since the onset of on-line banking. The requested variance would provide the minimum vehicle stacking spaces needed to accommodate the anticipated bank needs.
3. Reducing the required bank drive-through stacking spaces from five spaces to four spaces will not alter the character of the neighborhood or commercial development.
4. The proposed bank use is consistent with the purpose of the B1 zoning district, as banks are a permitted use within the district.

Request for Preliminary and Final Plat Approval of New Market Bank Addition, consisting of one lot and one outlot on 3.81 acres for the following reasons:

1. The proposed plat of the property meets the purpose and intent of the Comprehensive Plan.
2. The proposed plat complies with requirements of City Code Title 12, Subdivision Regulations.
3. The proposed plat complies with the requirements of the B1 Zoning District in which it lies.

And with the following conditions:

1. Preliminary plat approval is granted in accordance with the preliminary plat drawing dated 7/27/17 and the preliminary engineering information dated 7/27/17.
2. Final plat approval is granted in accordance with final plat drawing dated 7/26/17 and on file with the Elko New Market Planning Department.
3. A title opinion must be reviewed and approved by the City Attorney.

4. Final plat approval is subject to recommendations of the City Attorney
5. Greystone Construction must enter into a Developer's Agreement with the City of Elko New Market.
6. A park dedication fee in lieu of land dedication is being required.
7. Direct access to Scott County Highway 2 will not be allowed.
8. Proposed Outlot A, containing the stormwater pond, must be dedicated to the City of Elko New Market.
9. The developer must comply with the recommendations of the City Engineer and Public Works Director.
10. The proposed development shall be redesigned so that the parking lot on the subject property connect to the parking lot on the adjacent property to the west, Lot 1 Block 1, Old Town, as required by the Planned Unit Development approved in 2006.

And noting that:

1. The conditions contained in Old Town Firehouse Planned Unit Development Agreement, recorded in the Office of the Scott County Recorder as Document #733670, are released upon rezoning of the property to B1 and no longer apply.
2. The trail along County Road 2, as depicted in City policy documents, will not be required.

Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried (3-0).

## **B. Boulder Pointe 6<sup>th</sup> Addition PUD Amendment**

Chairman Thompson asked Community Development Specialist Renee Christianson to present the Staff memorandum dated August 3, 2017. Christianson explained that a property owners consisting of RAV Holdings LLC., Barness Brothers LLC. and Travis Kibbes have requested approval of an amendment to the Boulder Pointe 6<sup>th</sup> Addition Planned Unit Development (PUD) located north of 275<sup>th</sup> Street and west of Beard Avenue.

Christianson indicated that the applicants wish to amend the PUD to allow the following upon remaining lots win the 6<sup>th</sup> addition:

1. A reduction in the current 15-foot separation required between townhome buildings. A 10-foot building separation is being proposed.
2. Removal of an existing requirement which mandates specific house designs (to allow full design flexibility).
3. Changes to the allowable exterior building material on front building facades (see language proposed in applicant's letter dated July 17, 2017).

Christianson highlighted the following items as addressed in detail within the Staff memorandum:

- Project background, including a review of previous City PUD approvals
- Existing conditions of PUD approval
- Requested PUD changes:
  - Structure separation - reduce from 15 to 10 feet
  - Building design requirements - allow full building design (floor plan and building elevation) flexibility and remove existing requirements for specific house design
  - Building materials – remove requirement for stucco on the front façade and flexibility

Christianson concluded her presentation by stating that Staff recommends approval of the requested PUD amendment subject to the various conditions as listed in the August 3, 2017 Staff memorandum.

Following Community Development Specialist Christianson’s presentation, a motion was made by Smith and seconded by Vetter to open the public hearing at 8:04 pm. Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried (3-0).

Comments received at the public hearing were limited to the following:

Bjorn Vogen - RAV Holdings. Mr. Vogen, representing the project as the applicant, advised the Planning Commission of his intent to provide a more marketable housing product than that allowed by the existing PUD. It was also indicated that a replat of Outlot B (of the Boulder Pointe 6<sup>th</sup> Addition) into 3single-family lots may also be considered at some future point as a means of providing more marketable housing choices to the public.

With no further comments from the public, a motion was made by Thompson and seconded by Vetter to close the public hearing at 8:09 pm. Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried (3-0).

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

- The Planning Commission was supportive of the PUD changes requested by the applicant. The Commission did however, indicate they did not support the use of vinyl as a finish material on front building facades.

With no further comments from the Planning Commission, a motion was made by Smith and seconded by Vetter to recommend approval of the following amendments to the Boulder Pointe 6<sup>th</sup> Addition Development Contract and PUD Agreement:

Section 7 shall be amended to read as follows:

**ZONING.** Except as otherwise provided herein, the plat is subject to the zoning regulations of the Planned Unit Development District and the requirements and standards of the City’s R-3 Medium Density Residential District, as may be amended from time to time. If there is

a conflict among these regulations, the conflict shall be resolved in the order listed below with the item number one being primary:

- 1) Development Contract and Planned Unit Development Agreement for Boulder Pointe Sixth Addition [this document].
- 2) Planned Unit Development for Boulder Pointe.
- 3) Planned Unit Development Zoning District Regulations
- 4) R-3 Medium Density Residential District for detached townhome units.

The following minimum townhome setbacks (consistent with the R-3 District and PUD requirements) shall apply:

|            |   |
|------------|---|
| Front Yard | 25 feet from public right of way<br>20 feet from private streets      |
| Side Yard  | 10 feet between buildings (building wall to building wall separation) |
| Rear Yard  | 30 feet from rear lot line of the base lot                            |

Section 9 shall be amended to read as follows:

**DEVELOPMENT PLANS.** The plat shall be developed in accordance with the following plans. The plans shall not be attached to this Agreement. With the exception of Plans A-C, the plans may be prepared subject to City approval, after entering into the Agreement, but before commencement of any work in the plat. If the plans vary from the written terms of this Agreement, the written terms shall control. The plans are those submitted on September 11, 2009, except as otherwise identified by date:

- Plan A - Final Plat
- Plan B – Grading Plan
- Plan C – Landscape Plan
- Plan D – Utility Plan

Section 29 (I) shall be amended as follows:

- I. Exterior Finishes:
  - a. Low or no maintenance trim shall be required on windows and doors on the front elevation of the home.
  - b. A minimum front façade of 20% brick or stone or equivalent substitute (excluding windows, doors and garage doors) shall be required. Vinyl siding shall not be permitted on the front facing building façade. Acceptable building materials on the front facing façade include stucco, fiber cement siding, engineered wood siding (i.e. LP Smartside), stone (natural or artificial) and brick. Building plans must demonstrate architectural themes and features such as, but not limited to, varied textures, window boxes, shutters, architectural trim.

Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried (3-0).

### **C. Street Width Amendment**

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated August 3, 2017 regarding a proposed Subdivision Ordinance amendment related to City street width requirements. Christianson explained that City Staff recommends that local street widths in residential areas be reduced from 32 feet in width to 28 feet.

Christianson noted that narrow street widths provide several benefits including the following:

- Narrower street result in reduced speeds. It has been documented through traffic studies that narrower streets naturally cause reduced driver speeds (the wider the streets, the faster a driver will go).
- Narrower streets are less costly to construct for the developer.
- Narrower streets less costly to reconstruct (when reconstruction is necessary).
- Streets measuring 28 feet in width still make an allowance for on-street parking.
- Reducing the street width by 4 feet also reduces runoff from the reduced impervious surface, resulting in reduced ponding and infiltration requirements.

Following Christianson's presentation, Planner Kirmis raised question related to the application of the reduced street width requirements for streets which are bordered on one side by residential uses and the other side by non-residential uses. In discussing this matter, the Planning Commission concluded that, in such instances, appropriate street widths should be determined by the City Engineer.

A motion was made by Thompson and seconded by Smith to open the public hearing at 8:17 pm. Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried (3-0).

There were no comments provided at the public hearing.

A motion was made by Smith and seconded by Vetter to close the public hearing at 8:18 pm. Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Vote 3-0. Motion carried.

With no further comments from the Planning Commission, it was moved by Smith, seconded by Vetter to recommend approval to the City Council of the following amendment to Section 12-9-5-1 (E) of the City Code:

- E. Widths: Right of way widths and pavement widths (face to face) of curb shall be as follows:

| Classification                                  | Right Of Way Width | Pavement Width                  |
|---|--------------------|---------------------------------|
| Major collector/parkway                         | 100 feet           | Determined by the city engineer |
| Minor collector                                 | 80 feet            | 38 feet                         |
| Local street ( <u>residential zoned areas</u> ) | 60 feet            | <del>32</del> <u>28</u> feet    |
| Local street ( <u>commercial zoned areas</u> )  | <u>60 feet</u>     | <u>32 feet</u>                  |
| Service road                                    | 50 feet            | 28 feet                         |
| Cul-de-sac street                               | 60 feet            | <del>32</del> <u>28</u> feet    |
| Cul-de-sac radius                               | 60 feet            | 45 feet                         |

1. For local streets lying on the border between residentially zoned areas and commercially zoned areas, the local street width requirement shall be made by the City Engineer.

Vote for: Thompson, Smith, and Vetter. Against: None. Abstained: None. Vote 3-0. Motion carried.

## 8. GENERAL BUSINESS

There were no General Business items.

## 9. MISCELLANEOUS

- A. **City Staff / Consultant Updates.** Community Development Specialist Christianson advised the Planning Commission that updates on various City projects are provided in Planning Commission meeting packet (in her memorandum dated August 3, 2017). Detailed updates on the following projects were however, specifically provided by Christianson:

- Boulder Heights
- Dakota Acres
- Pete's Hill residential subdivision
- Barsness Project

## 10. ADJOURNMENT

A motion was made by Vetter and seconded by Smith to adjourn the meeting at 8:34 p.m. Vote for: Thompson, Smith and Vetter. Against: None. Abstained: None. Motion carried (3-0).

Submitted by:



Renee Christianson  
Community Development Specialist