

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
January 4, 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, Hartzler, Smith and ex-officio member Anderson

Members absent and excused: Vetter

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

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENT

There were no public comments.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A motion was made by Thompson and seconded by Hartzler to approve the minutes of the December 5, 2017 Planning Commission meeting as written. Vote for: Thompson, Kruckman, Hartzler and Smith. Against: None. Abstained: None. Motion carried: (4-0).

7. PUBLIC HEARINGS

A. Zoning Ordinance Amendment - Commercial Vehicle Parking

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated January 4, 2018. Christianson explained that the proposed amendment follows previous Planning Commission meeting discussions (in May, October

and November of 2017) related to the City's commercial vehicle parking requirements in residential zoning districts.

Christianson summarized the City's existing commercial vehicle parking regulations, noting that the parking of both Class I vehicles (those weighing more than 18,000 pounds) and Class II vehicles (those weighing not more than 18,000 pounds) are currently prohibited in residential zoning districts.

Christianson stated that a conflict exists as Section 11-8-3 of the Ordinance specifically prohibits the parking of commercial vehicles in residential zoning districts while other sections of the Ordinance appear to make an allowance for certain Class II (smaller scale) commercial vehicles to be parked in such districts. Christianson noted that in the case of conflicting standards, the most restrictive apply. With this in mind, Christianson explained that the Ordinance presently prohibits the parking of all commercial vehicles in residential districts.

Christianson summarized Staff research related to commercial vehicle parking requirements in eight neighboring cities (Shakopee, Savage, Prior Lake, Jordan, Belle Plaine, New Prague, Lonsdale and Lakeville). It was noted that the City of Elko New Market's commercial vehicle parking requirements are generally more lenient than those of neighboring communities.

Christianson also highlighted the proposed Ordinance changes as they relate to the parking of Class I and Class II vehicles in residential zoning districts. It was specifically noted that the amendment makes an allowance for the parking of two Class II commercial vehicles in residential zoning districts.

Christianson also made note of a recent request of Marek Towing to allow the parking of a tow truck (a Class I vehicle) in residential districts based on the rationale that such vehicle would serve an emergency response purpose and that parking in residential districts would improve emergency response times.

Christianson concluded her presentation by recommending approval of the Zoning Ordinance amendment which would make an allowance for the parking of certain Class II commercial vehicles in residential zoning districts.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:09 p.m.

Comments received at the public hearing included the following:

Rob Schnickels - 26681 Oak Ridge Way. Mr. Schnickels advised the Planning Commission that he operates a towing business and believes that the City should make an allowance for tow truck parking in residential zoning districts. He stated that prompt response times for tow truck drivers are critical and that, for this reason, many of his employees park their tow trucks at their homes. Mr. Schnickels also conveyed his belief that tow truck services should be considered and permitted as an essential

emergency activity (similar to police and fire response calls). Mr. Schnickels also stated that the prohibition of tow truck parking in residential zoning districts would negatively impact his business operations.

Mallory Marek - 26698 Woodcrest Circle. Mrs. Marek also expressed her belief that prompt response times are critical to tow truck drivers and that off-site parking of tow trucks will negatively impact business operations. Mrs. Marek cited a specific emergency situation which occurred along Interstate 35 and stated that a slower tow truck response time (which would result from off-site parking of tow trucks) could have resulted in dire consequences.

Mrs. Marek also shared her belief that the City of Elko New Market is a “working community” and that the parking of work-related commercial vehicles in residential zoning districts simply reflects the character of the City.

Mrs. Marek concluded her comments by stating that the prohibition of tow truck parking in residential zoning districts would negatively impact the ability of tow truck drivers to make a living.

Gene Meger - 41 West Louis Street. Mr. Meger informed the Planning Commission that he lives near a residentially zoned property where Marek Towing (tow) trucks are stored and it has been an ongoing problem. In this regard, he expressed his opposition to an amendment which would make an allowance for the parking of Class I commercial vehicles (such as the tow trucks utilized by Mr. Marek) in residential zoning districts.

Mr. Meger stated that the parking of tow trucks in his neighborhood clearly violates numerous City Code requirements. In this regard, Mr. Meger distributed photographs to the Planning Commission which were intended to document the “illegal” parking of tow trucks in a residential zoning district.

Mr. Meger specifically cited the following concerns related to the parking of Class I commercial vehicles (tow trucks) in residential zoning districts:

- Negative impacts on property values
- Unsafe conditions (related to the backing of large commercial vehicles)
- Noise (back-up beepers)
- Air quality (from diesel truck engines)

Dennis Green - 51 West Louis Street. Mr. Green informed the Planning Commission that he also lives near a residential property where Marek Towing (tow) trucks are regularly parked. Mr. Green indicated that he is opposed to the allowance of Class I commercial vehicle parking (large tow trucks) in residential zoning districts. Mr. Green specifically cited concerns regarding neighborhood appearance, and a decrease in property values based on the altered appearance of the neighborhood. He stated that the area should remain residential in character. Mr. Green offered a solution, stating

that Class I commercial vehicles (including tow trucks) could be stored in a nearby area zoned commercial or industrial.

Chris Marek - 26698 Woodcrest Circle. Mr. Marek, on behalf of Marek's Towing and Repair, voiced support for an Ordinance amendment which would make an allowance for the parking of Class 1 commercial vehicles in residential zoning districts.

Mr. Marek explained that prompt tow truck response times are necessary for his business to be successful. He also expressed his belief that tow truck drivers should be considered part of an "emergency response team" (which typically includes police and fire vehicles) are therefore should be provided an "exemption" from commercial vehicle parking regulations.

Mr. Marek also stated that, in emergency situations, flatbed tow trucks which can accommodate two vehicles are preferable to trucks which can only accommodate a single vehicle.

Mr. Marek further indicated that his business is very community-oriented and typically contributes to City functions.

Kevin Marek - 24951 Opal Avenue (New Marker Township). Mr. Marek, also on behalf of Marek's Towing and Repair, stated that he was only recently made aware of the commercial vehicle parking violation and that, had he been made aware earlier, he would have tried to remedy the situation without the involvement of City Officials. In this regard, he feels the parking violation is a neighborhood issue.

Mr. Marek also reiterated earlier comments related to the need for prompt tow truck response times.

Dick Berg - 71 West Louis Street. Mr. Berg advised the Planning Commission that he has stored a semi-tractor upon his property since the 1970's and has grandfather rights which allow such activity. Mr. Berg stated that he does not believe previously cited concerns over diesel engine fumes and he believes that tow truck noise is warranted.

Following the received public testimony, a motion was made by Smith and seconded by Kruckman to close the public hearing at 8:00 pm. Vote for: Thompson, Kruckman, Hartzler and Smith. Against: None. Abstained: None. Motion carried: (4-0).

A follow-up discussion by the Planning Commission voiced support for the proposed amendment to allow certain Class II commercial vehicles to be parked in residential zoning districts.

In consideration of the materials provided by staff, previous discussions and the received public testimony, the Planning Commission offered the following comments:

- It was suggested that commercial vehicle storage which is afforded “grandfather rights” should be allowed via a one-time registration rather than annual permit as presently required by the Ordinance.
- There was a suggestion that commercial vehicle storage limitations be based on vehicle weight rather than vehicle type and that vehicle “type” references be removed from the commercial vehicle definitions.
- An opinion was expressed that the Marek commercial vehicle storage issue is a result a previous “reactive” approach to code enforcement in the City.
- General support was expressed to allow the parking of two Class II commercial vehicles in residential zoning districts.
- Ex-officio Anderson expressed his opinion that arguments to allow the parking of tow trucks in residential zoning districts seem to outweigh arguments opposed to such activity.

Following a lengthy discussion, a motion was made by Thompson and seconded by Smith to continue the discussion of the commercial vehicle parking amendment at a work session and that a revised version of the draft amendment be prepared which reflects received Planning Commission feedback in the following areas:

- Definitions of Class I and Class II commercial vehicles.
- Registration requirements for Class I commercial vehicles which hold grandfather rights.
- The number of desired Class II commercial vehicles on residentially zoned property (2).

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

8. GENERAL BUSINESS

A. Comprehensive Plan - Land Use Chapter and Transportation Plan

Land Use Plan Chapter. Chairman Thompson asked Community Development Specialist Christianson to present the draft Land Use Plan chapter of the 2040 Comprehensive Plan (dated January 4, 2017). Christianson, with some assistance from Planner Kirmis, provided an overview of the Comprehensive Plan update process.

Christianson specifically noted that, as a follow-up to the Planning Commission’s December meeting, residential densities for new development as depicted on the provided draft Land Use Plan map were calculated. Christianson indicated that future residential uses depicted on the Land Use Plan did not to meet the minimum density requirement of the Metropolitan Council (three units per acre for new growth). As a follow-up to this finding, Christianson noted that the following changes have been made to the draft Land Use Plan chapter:

- A. Additional areas of the City have been guided for medium and/or high density residential use and;
- B. Descriptions of the various residential land use categories have been changed to require higher minimum densities.

Christianson described the revised Land Use Plan map and text in detail.

Transportation Plan. Community Development Specialist Christianson informed that Planning Commission that a Transportation Plan is a required component of the 2040 Comprehensive Plan Update. Christianson then asked City Engineer Revering to present the draft version of the 2040 Transportation Plan.

As part of his presentation, City Engineer Revering highlighted the following:

- The proposed 2040 Functional Classification System map
- Street section details for local streets (reduced to 28 feet in width)
- The need to acquire adequate right-of-way to meet the long-term transportation needs of the City

Community Development Specialist Christianson concluded the Comprehensive Plan presentation by requesting feedback from the Planning Commission on the draft Land Use Plan chapter and Transportation Plan and requested the forwarding of the materials to the City Council for informal consideration and feedback.

Following the Staff presentations, a motion was made by Smith and seconded by Hartzler to recommend the forwarding of the draft Land Use chapter and Transportation Plan to the City Council for informal consideration. Vote for: Thompson, Kruckman, Hartzler and Smith. Against: None. Abstained: None. Motion carried: (4-0).

B. Draft Zoning Ordinance Amendment - Definition of Residential Care Facilities

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated January 4, 2018 related to the definition of “Residential Care Facilities.”

Christianson noted that “Residential Care Facilities” are, per State law, allowed in all residentially zoned areas of the City.

Christianson advised the Planning Commission that it has come to the attention of City Staff that the definition of the term “Residential Care Facility” as currently provided in the Zoning Ordinance is outdated and is need of correction in order to be consistent with State law.

Christianson reviewed the existing and proposed definitions for “Residential Care Facilities” and recommended to the Planning Commission that they order a public hearing to consider the amendment at the Commission’s February 1, 2018 meeting.

Following the Staff presentation, a motion was made by Thompson and seconded by Kruckman to schedule a public hearing for the draft amendment at the Planning Commission’s February 1, 2018 meeting. Vote for: Thompson, Kruckman, Hartzler and Smith. Against: None. Abstained: None. Motion carried: (4-0).

C. Draft City Code Amendment - Small Cell Wireless Facilities

Chairman Thompson advised the Planning Commission and City Staff that he is employed by a company which is directly related to the “small cell” industry. As a result, he removed himself from the Planning Commission’s discussion of the topic to avoid a potential “conflict of interest.” As a result, Vice Chairman Smith assumed Thompson’s duties for the agenda item.

Vice Chairman Smith asked Community Development Specialist Christianson to present her memorandum dated January 4, 2018 related to the regulation of small cell wireless facilities.

Community Development Specialist Christianson advised the Planning Commission that during the State’s 2017 legislative session, changes were made to Statutes which regulate small cell wireless facilities. It was noted that the new legislation allows wireless data providers to locate facilities (poles, antennae and related equipment) within public rights-of-way. Such allowance basically mimics rights historically provided to electric companies, gas companies and telecommunication companies in regard to the placement of infrastructure within public rights-of-ways.

Christianson explained that the new State law provides the following:

- Small wireless facilities and wireless support structures (poles) are a permitted use in the right-of-way.
- Cities have no authority to deny such facilities.
- Cities may require a provider to obtain a conditional use permit to install a new wireless support structure in the right-of-way in a district zoned for single family residential use.
- The height of wireless support structures is limited to 50 feet above ground level.
- No guidance is provided related to conditions which may be imposed upon conditions which may be imposed upon wireless support structures.

Christianson stated that the City of Elko New Market manages utilities within its rights-of-ways via its right-of-way ordinance, the provisions of which are outside the purview of the Planning Commission. Christianson did however, request specific feedback from the Planning Commission regarding their desire to process a conditional use permit for small cell wireless facilities located within rights-of-way in single family residential zoning districts.

Christianson also referenced a draft amendment to Title 8, Chapter 1 of the City Code pertaining to Public Ways and Property prepared by the City Attorney (included in the Planning Commission meeting packet).

In consideration of this matter, the Planning Commission expressed their preference to address small cell wireless facilities solely in the City's right-of-way ordinance (rather than the Zoning Ordinance).

The Planning Commission did however, express a willingness to assist the City Council in the formulation of various conditions which would apply to such facilities, if so desired.

Community Development Specialist Christianson indicated that the Planning Commission's feedback will be passed on to the City Council.

9. MISCELLANEOUS

A. City Staff / Consultant Updates

Project Updates. Community Development Specialist Christianson provided updates on various City projects as provided in her memorandum dated January 4, 2017.

In response to Planning Commission inquiries, more detailed updates on the following projects were provided:

- Barsness property
- Dakota Acres
- Park I-35
- Coffee shop (former Helen's Café)
- New Market Bank commercial center

Planning Commission Meeting Days. As a follow-up to previous discussions, Community Development Specialist Christianson questioned the Planning Commission about the possibility of changing their regular meeting day.

The Planning Commission agreed that the present Thursday meetings were problematic and suggested that the last Tuesday of the month be considered as an alternative.

Community Development Specialist Christianson indicated that she will pass along the desired meeting day change, as suggested by the Planning Commission, to City Administrator Terry for feedback.

B. Planning Commission Questions and Comments

There were no Planning Commission questions or comments.

10. ADJOURNMENT

A motion was made by Hartzler and seconded by Kruckman to adjourn the meeting at 9:51 p.m. Vote for: Thompson, Kruckman, Hartzler and Smith. Against: None. Abstained: None. Motion carried: (4-0).

Submitted by:



Renee Christianson
Community Development Specialist