

**MINUTES**  
**CITY OF ELKO NEW MARKET**  
**PLANNING COMMISSION MEETING**  
**June 26, 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, Hartzler and Ex-officio member Anderson

Members absent and excused: None

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 Kruckman and seconded by Vetter 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**

Community Development Specialist Christianson advised the Planning Commission that Kent Hartzler's resignation (from the Commission) will take effect following the meeting and that the June 26, 2018 meeting is therefore his last as a member of the Elko New Market Planning Commission.

**6. APPROVAL OF MINUTES**

A motion was made by Thompson and seconded by Smith to approve the minutes of the May 29, 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 Dakota Acres 1<sup>st</sup> Addition - Syndicated Properties, Applicant**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated June 26, 2018 related to the Dakota Acres rezoning and preliminary plat request.

Christianson explained that the applicant purchased the 2.17-acre subject property from the City of Elko New Market in the fall of 2017 and that the property, together with additional property to the north, east and west had been approved for a 71-unit townhome development prior to the recession.

Christianson noted that the original development was planned to be developed in multiple phases. The first phase, which was platted as Dakota Acres, contained 21 lots (townhome units). Eight of the originally approved 21 units were constructed before the recession, leaving 13 platted townhome units vacant. Christianson explained that the original developer defaulted on assessments against the properties and the City ultimately assumed possession of his remaining property (13 platted lots and the remaining outlots).

Christianson explained that the applicant also purchased the originally platted 13 units, and townhomes are currently under construction on all 13 of those lots.

Christianson explained that the applicant has, at this time, requested formal approval of the following:

1. The **rezoning** the 2.17-acre subject property to PUD, Planned Unit Development (to accommodate layout changes from the previously approved PUD).
2. A **preliminary plat** entitled Dakota Acres 1st Addition, containing 28 residential (townhouse) lots and one outlot.

Community Development Specialist Christianson summarized the following development issues identified in her memorandum dated June 26, 2018:

- Comprehensive Plan land use directives
- Purpose of PUD (and requested flexibilities)
- Lot sizes and widths
- Setbacks
- Height requirements
- Building design requirements
- Garbage/trash
- Site circulation
- Off-street parking
- Lighting
- Landscaping
- Easements
- Utilities
- Transportation/access issues/closing Oriole St access
- Sidewalk and trails

- Open space/park dedication

Christianson stated that Planning Staff is supportive of the project and has recommended approval of the rezoning and preliminary plat subject to various conditions as provided in the Staff report dated June 26, 2018.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:20 p.m.

The following comments were received at the public hearing:

Chris Flaherty - 25830 Oriole Street. Mr. Flaherty raised concern over the existing Oriole Street access (to James Parkway) and expressed his support for the removal of such access as part of the development project.

Jon Krapu - 25825 Oriole Street. Mr. Krapu reiterated Mr. Flaherty's concern over the existing Oriole Street access. Similarly, he expressed his support for the removal of the access.

Joe Lehrer - Applicant (Syndicated Properties, LLC.) Mr. Lehrer advised the Planning Commission that he was available to respond to questions. Mr. Lehrer also noted the following:

- In response to received feedback, the applicant prefers to leave the Oriole
- is open to either leaving the existing Oriole Street access to James Parkway open, or removing it.
- The inclusion of the freestanding single-family home in the project represents an attempt to maximize the number of units in the project.
- The single-family home is to be handicap accessible and its connection to the neighboring multi-family building to the north is not possible due to grade issues.

Following the received public testimony, a motion was made by Thompson and seconded by Hartzler to close the public hearing at 7:20 pm. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

Following the closure of the public hearing, the following comments/questions were raised by the Planning Commission:

- All Commissioners expressed support for the closure of the Oriole Street access to James Parkway. Prompted by comments provided by the City Engineer, the Commission specifically recommended that, as a condition of project approval, the developer be responsible for the removal of the Oriole Street access and establishment of curbing and turf (consistent with City requirements) in such area.
- Question was raised related to the need for a vehicle turnaround area at the northern terminus of Oriole Street.

- Concern was voiced over the 5-foot structure setbacks proposed along the subject site's western property line.
- One Planning Commissioner voiced concern over the inclusion of a single family detached home in the project and the allowance of a 5-foot setback for such home along the project's private street.
- Question was raised regarding setback requirements which are to be imposed upon patios.

Following the Planning Commission discussion, Community Development Specialist Christianson reviewed Staff's fourteen recommended conditions of project approval as provided in her staff report dated June 26, 2018.

With no further comments from the Planning Commission or City Staff, a motion was made by Hartzler and seconded by Vetter to recommend approval of the request to rezone property to Planned Unit Development (PUD), and preliminary plat approval of Dakota Acres 1<sup>st</sup> Addition, consisting of 28 lots and 1 outlot on 2.71 acres, as proposed by Syndicated Properties, for the following reasons:

- 1) The proposed development of 28 units on 2.71 acres meets the intent of the Comprehensive Plan Residential Mixed Use land use density objectives, being 12.9 units per acre.
- 2) The property had previously been approved for townhome development and the proposed development is very similar, in terms of site layout and land use, as the previously approved development.
- 3) The proposed development is compatible with the adjacent land uses.

And noting that the lots shall be subject to the requirements of the R-4 High Density Residential Zoning District except as follows:

	<b>R4 District Requirements</b>	<b>Approved for Dakota Acres 1<sup>st</sup> Addition</b>
<b>Permitted Uses</b>	Multiple Family Dwellings Containing more than 8 units	Multiple Family Dwellings containing less than 8 units, as depicted on plans dated 6/21/18
<b>Front setback to curb of private street</b>	30'	3' for single unit building 20' for all 4-unit and 7-unit buildings
<b>Setback between buildings</b>	20'	10' to 55' (25' average) as depicted on plans dated 6/21/18
<b>Setback to periphery property lines</b>	30'	5' along west side, as depicted on plans dated 6/21/18
<b>Setback to major collector street</b>	50'	30'
<b>Easements</b>	10' along perimeter and 5' along interior lot lines	Not required along western property line or interior lot lines
<b>Building Design/Exterior Finish 11-25D-8</b>	Minimum 25% of all building facades shall have an exterior of brick, stucco or	Stone on front and sides of buildings, as depicted on proposed building elevations dated 11/19/17.

<b>Garage Width</b>	<b>Stall Area &amp;</b>	Attached garage of minimum 540 sq ft & minimum width of 20'	Attached garages of 418 sq ft minimum & 19' minimum width
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And noting the following improved subdivision design elements:

- 1) The proposed open space and recreation areas designated for the project residents will exceed the minimum area required by City Code.
- 2) The landscaping plan exceeds the minimum requirements of City Code by providing more than the minimum required number of trees, and also provides for an aesthetically pleasing variety of trees and plantings through the site.

And with the following conditions:

- 1) PUD and Preliminary plat approval is granted in accordance with the following drawings: Preliminary Plat drawing prepared by Stantec and dated 6/20/18, Preliminary Grading & Construction plans containing 7 sheets prepared by Larsen Engineering and dated 6/21/18, Landscaping plan prepared by RHA Architects and dated 8/15/16, Building elevations and sample floor plans prepared by RHA Architects and dated 11/19/17 (7-unit, 4-unit and 1-unit buildings).
- 2) The civil plans must address comments of City staff as depicted on the drawing dated 6/21/18 and the landscape plan must be corrected to address comments of City staff as depicted on drawing dated 6/20/18, both on file with the Elko New Market Community Development office.
- 3) Syndicated Properties must enter into a Developer's Agreement with the City of Elko New Market at the time of final plat approval.
- 4) The proposed development must be added to the Dakota Acres Townhome Association, or a new Townhome Association must be formed. If a new association is formed, it must work out an agreement for access through the two existing private drives (Oriole and Cardinal Streets) with the Dakota Acres Townhome Association.
- 5) The applicant must comply with the recommendations of the City Engineer, Public Works Director and City Attorney.
- 6) A park dedication fee in lieu of land dedication is being required.
- 7) An in-ground irrigation system is required.
- 8) Additional access to James Parkway and Dakota Avenue will not be permitted.
- 9) Drainage and utility easements must be provided for the sanitary sewer and water main lines running through the site.
- 10) Ground level patios must be provided for all townhome units. Patios shall not exceed 8' x 8' in size and may not encroach into adjacent properties, except that they may encroach into the common area outlot subject to the same being permitted by the homeowners association. Privacy fences constructed of wood, vinyl or brick and of consistent design shall be provided between rear yard patio areas prior to issuance of a certificate of occupancy. 3 and 4 season porch additions may not be added to the townhome units.
- 11) Developer shall work with the Elko New Market Postmaster to find an acceptable location within the development for mailbox banks. Mailboxes shall be moved off of James Parkway.
- 12) Townhome buildings shall contain not less than three earhttone colors. Adjacent townhome buildings on the same side of the street shall not be of identical color.

- 13) A lighting plan meeting the requirements of City Code must be submitted for review by City staff. The lighting plan shall utilize the Domus style fixture or visually equivalent.
- 14) Garbage receptacles shall be stored within garages or fully screened from view.
- 15) The developer shall be responsible for the removal of the Oriole Street access (to James Parkway) and restoration of area, as approved by the City Engineer.

And noting that:

- 1) The conditions contained in the Dakota Acres Development Contracts, recorded in the Office of the Scott County Recorder as Documents #736584 and #771917 are released upon rezoning of the property to PUD and no longer apply.

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

## **8. GENERAL BUSINESS**

### **A. The Preserve at Elko New Market Concept Plan - Kevin Komorouski, applicant**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated June 26, 2018 regarding “The Preserve at Elko New Market” concept plan.

Prior to making her formal presentation, Christianson advised the Planning Commission that the applicant (Kevin Komorouski) was not in attendance at the meeting and that the applicant’s engineer, Reese Sudtelgte of ISG Engineering, would be representing the request and available to answer questions.

Christianson explained that the applicant has requested feedback and recommendation from the Planning Commission on a proposed 35 lot single-family development located upon a 10-acre site located south of County Road 2 and west of the Whispering Creek 2nd Addition. Christianson noted that the subject site presently lies outside of the City and that annexation of the property would be necessary prior to the acceptance of any development applications.

Community Development Specialist Christianson also noted that proposed lot sizes are smaller than that currently allowed in the City’s R-1 District and that a PUD zoning designation would be requested to accommodate lot area and width flexibility. It was noted that the developer is proposing the following lot sizes and widths:

- 70’ x 130’ (9,100 square feet) along the east side of the proposed public street
- 50’ x 130’ (6,500 square feet) along the west side of the proposed public street

Christianson also indicated that the developer has proposed 5-foot side yard setbacks.

Community Development Specialist Christianson summarized the following development issues as identified in her memorandum dated June 26, 2018:

- Comprehensive Plan land use directives (2030 Plan and draft 2040 Plan)
- Purpose of PUD (and requested flexibilities)
- Lot sizes and widths
- Setbacks
- Height requirements
- Building design requirements
- Site circulation
- Landscaping and buffers
- Utilities
- Wetland delineations
- Transportation issues
- Sidewalk and trails
- Open space/park dedication (including specific Park Commission recommendations)

In conclusion, Community Development Specialist Christianson asked the Planning Commission to provide comment and recommendation regarding the following:

1. *Does the Planning Commission support the annexation of the property for residential development?*
2. *Does the Planning Commission support the lot sizes as proposed? If not, what lot sizes (area and width) are supported by the Planning Commission?*
3. *Does the Planning Commission support the proposed 5' side setback?*
4. *Would the Planning Commission support a deviation from the requirement that the lots be designed to accommodate a 3-car attached garage?*

Following Christianson's presentation, the Planning Commission provided the following feedback regarding the proposed land use and concept plan (for the applicant's consideration):

- All Planning Commissioners agreed that use of the site for single-family residential use is appropriate and support the annexation of the subject property for such use.
- All Planning Commissioners supported Planned Unit Development (PUD) zoning for the property.
- All Planning Commissioners expressed support for the proposed 70-foot wide lots but were opposed to the inclusion of 50-foot wide lots within the development. In this regard, the Planning Commission recommended that all single-family residential lots within the development be a minimum of 70-feet in width.

- The Planning Commission did not support the application of 5-foot side yard setbacks. Rather, setbacks of 5 feet along the garage side of homes and 10 feet along occupied portions of the home were supported or 15 feet between each home.
- The following recommendations/comments were raised regarding desired trail and sidewalk locations.
  - The Commission recommended that sidewalks be provided on the east side of the proposed north-south street and the south side of Park Street.
  - Consistent with the recommendation of the Park Commission, the developer provide a location for a future trail connection leading from the development to the future trail along the south side of County Road 2.
  - Consistent with the recommendation of the Park Commission, the developer contribute to the cost of a future trail segment along County Road 2.
  - The Commission suggested that a trail connection to the DNR wetland area located south of the subject site be provided within the 10-acre site to the west (when it is developed), due to grade issues on the subject property.
  - Concern was raised regarding the impact an on-street bicycle lane may have upon on-street parking to the east of the subject property.
- The Planning Commission offered varied opinions related to the imposition of architectural requirements (which exceed the minimum requirements of the Ordinance). One Commissioner expressed a concern that such requirements significantly impact the “affordability” of homes. Another Commissioner supported the idea of imposing some architectural requirements (as part of PUD approval) but not to an extreme degree. There was discussion regarding requiring some brick/stone on the fronts of homes.
- The Commissioners recognized that proposed “narrow” lot widths likely limit the ability of the applicant to provide homes with three-car attached garages.
- The Planning Commission recommended that the developer make contact with the neighboring property owner to the west.

In conclusion, the Planning Commission supported annexation of the property for a proposed residential development, noting the above recommendations.

## **9. MISCELLANEOUS**

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

Community Development Specialist Christianson made reference to her memorandum dated June 8, 2018 (included in the Planning Commission meeting packet) which provided updates on various City projects. Specific discussion did however, take place regarding the following projects:

- Commercial vehicle parking amendment

- Dakota Acres property transaction
- Barsness property status

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

Chairman Thompson Tenure. Planning Commission Chairman Thompson advised the Commission and City Staff that he will be moving out of the City of Elko New Market (to the City of Savage) in the near future and that his resignation from the Commission will be forthcoming. Thompson further indicated that the date of his resignation will be dependent upon the timing of the sale of his home. Thompson recommended that another Commissioner participate in the upcoming Planning Commissioner interviews rather than himself due to his pending resignation.

Commissioner Hartzler Resignation. Chairman Thompson, along with other members of the Planning Commission, formally thanked Commissioner Hartzler for his years of public service with both the City of Elko and the City of Elko New Market.

### **10. ADJOURNMENT**

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 8:56 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