

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
June 1, 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 and Hartzler

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

Staff Present: City Administrator Terry, 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 Hartzler 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**

There were no announcements.

**6. APPROVAL OF MINUTES**

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

**7. PUBLIC HEARINGS**

**A. Christmas Pines**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated June 1, 2017 regarding of the application of On-Site Marketing for rezoning and preliminary plat approval of a 20-lot single family subdivision entitled "Christmas Pines." Christianson explained that the proposal calls for the

construction of 20 detached townhomes upon a 5-acre site located south of County Road 2 and west of County Road 91.

Christianson noted that the Planning Commission reviewed a concept plan for the development on February 2, 2017 and the City Council accepted a slightly revised concept plan on March 23, 2017, subject to numerous conditions.

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

- Project history
- Requested PUD flexibilities
- Improved design elements (which exceed minimum ordinance requirements)
- Townhome plans (building elevations and floor plans)
- Landscaping
- Utility service
- Wetland impacts
- Streets and site access
- Sidewalks/trails
- Park dedication

Christianson concluded her presentation by stating that Staff recommends approval of the rezoning of the subject property from B-1, Neighborhood Business to PUD, Planned Unit Development and the Christmas Pines preliminary plat subject to the various conditions as listed in the June 1, 2017 Staff memorandum.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:29 p.m.

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

Mike Madson - 1015 Theresa Marie Drive. Mr. Madson expressed concern over the proximity of the proposed townhome structures to his home and suggested that screening/buffering be provided upon the subject site. Mr. Madson was advised by the applicant that the screening of low density residential uses from adjacent low density residential uses is usually not required and that little land area exists upon the subject site to provide screening. Mr. Madson was however, advised that he could provide screening upon his property if he so desired.

Mr. Madson also raised question regarding the impact the project will have upon an existing stormwater pond located in the western area of the subject site. City Engineer Revering advised Mr. Madson that pre-development conditions related to stormwater runoff will be required as a condition of project approval.

Finally, Mr. Mattson raised concern over the possibility that the proposed townhome units may, at some point, become low income housing. City Administrator Terry advised Mr. Madson that the City has no control over whether the proposed dwelling units will be owner-occupied or rentals nor the income levels of unit occupants.

Considering the quality of the proposed units, the applicant expressed his opinion that the units likely will not be occupied by low income residents.

Nate Enwall - 1020 Tammy Drive. Mr. Enwall expressed concern over the setbacks of the proposed dwelling units (in close proximity to his home) and expressed a desire for screening/buffering to be provided along the subject site's boundary.

A motion was made by Smith and seconded by Kruckman to close the public hearing at 8:03 pm. Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

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

- The Planning Commission suggested that the developer work with the neighbors regarding buffering/screening efforts.
- Comments received from the Scott County Highway Department related to trail construction were discussed. City Engineer Revering expressed his belief that the County has concerns over the impact the proposed trail may have upon the County right-of-way and its alignment.
- Question was raised regarding the impact the project may have upon a future roundabout at the County Road 2/County Road 91 intersection. Of specific question were potential impacts the project may have upon future trail construction.
- Question was raised regarding possible neighborhood interest in the construction of a sidewalk alongside Dorothy Lane (within the adjacent neighborhood south of the project site). City Engineer Revering advised the Planning Commission that limited right-of-way width coupled with typical neighborhood opposition to post development sidewalk construction likely would result in some opposition to trail construction within the existing neighborhood.

With no further comments from the Planning Commission, a motion was made by Hartzler and seconded by Kruckman to recommend approval of the rezoning of the subject property from B-1, Neighborhood Business to PUD, Planned Unit Development and the Christmas Pines preliminary plat consisting of 20 residential lots on 5 gross acres / 3.7 net acres, as proposed by On-Site Marketing, for the following reasons:

- 1) The proposed development of 20 units on 3.7 net acres meets the intent of the Comprehensive Plan Town Center land use density objectives, being 5.4 units per acre.
- 2) The proposed development is more compatible with the adjacent land uses than commercial development of the site, which it is currently zoned for.

And noting that the lots shall be subject to the requirements of the R-3 Medium Density Residential Zoning District except as follows:

	<b>Approved for Christmas Pines</b>
<b>Permitted Uses</b>	Single Family Detached Townhomes
<b>Lot Width</b>	40'
<b>Lot Area</b>	3,412 sq ft (average); 3,144 sq ft (minimum)
<b>Front Setback</b>	As depicted on Preliminary Site Plan dated 5/4/17
<b>Rear Setback</b>	As depicted on Preliminary Site Plan dated 5/4/17
<b>Side Setback</b>	As depicted on Preliminary Site Plan dated 5/4/17
<b>Sidewalk Construction</b>	Waiver of sidewalk requirement along local road - Dorothy
<b>Trail Construction</b>	Waiver of trail requirement along arterial roadways
<b>Wetland Land Dedication</b>	Allow wetland in an easement rather than conveyed to City
<b>Storm Pond Land Dedication</b>	Allow stormwater pond in an easement rather than conveyed to City in fee
<b>Local Road Right-of-Way</b>	Allow local road within a 50' right-of-way
<b>Garage Stall Area &amp; Width</b>	Attached garages of 400 sq ft minimum & 20' minimum width
<b>Exterior Building Finish</b>	As depicted on Building Elevations dated 5/1/17
<b>Stormwater Volume Requirement</b>	As required by MPCA General Permit and Vermillion River Watershed Joint Powers Organization

And noting the following improved subdivision design elements:

- 1) Homes within the development will be designed in a similar fashion; front facades will generally be matching, to create a cohesive neighborhood feel;
- 2) Roof pitch of at least 6/12 for all sides;
- 3) A passive park area will be created around the wetland and will include landscape plantings and benches.

And with the following conditions:

- 1) Approval of the preliminary plat is subject to approval of the wetland replacement plan application by both the City of Elko New Market and the Army Corp of Engineers. The developer shall assume all risk associated with preparing the preliminary plat application in advance of the required wetland application approvals.
- 2) Preliminary plat approval is granted in accordance with preliminary plat drawings dated 5/4/17, preliminary utility plans dated 5/4/17, wetland exhibit dated 5/4/17, landscaping plan dated 5/1/17, building elevations and sample floor plan dated 5/1/17, all on file with the Elko New Market Community Development Department, and subject to the below conditions.
- 3) Approval is subject to conditions and recommendations contained in the City Engineer's memo dated May 16, 2017.
- 4) Approval is subject to the recommendations of the Scott County Highway Department.
- 5) Approval is subject to the recommendations of the City Attorney.
- 6) The developer must enter into a development contract with the City of Elko New Market at the time of final plat approval.

- 7) Buildings setbacks are approved as shown on the Preliminary Site Plan dated 5/4/17 and on file with the Elko New Market Community Development Department.
- 8) The planting scheduled must be corrected to show 11 autumn blaze maple trees, as depicted on the landscape plan drawing dated 5/1/17.
- 9) A 10' drainage and utility easement must be dedicated along the south side of Lot 3 Block 3 and Lot 6 Block 4, and 5' easements must be dedicated along all interior (side) lot lines of all proposed lots.
- 10) Water must be looped through the site, connecting to both the Dorthy Lane and Co Rd 2 water lines. The water lines must be covered by a drainage and utility easement.
- 11) A 10' vegetative buffer must be provided around the stormwater pond.
- 12) A vegetative buffer must be provided around the wetland; the average buffer width requirement is 25' and minimum width is 16.5'.
- 13) Wetland buffer sign markers, meeting the requirements of Section 11-11-4 of the Zoning Ordinance, shall be placed along the wetland buffer. The wetland sign and location should be included in the construction plan drawings.
- 14) The developer should explore the possibility of redesigning the infiltration basins shown in the 5/4/17 plan set. If the infiltration basin shown in the center of the cul-de-sac island is to remain, the landscaping plan must be revised to depict a plan that will work with the infiltration basin.
- 15) The section of sidewalk along the Dorthy Lane cul-de-sac as depicted in the submittal drawings must be removed and drawings revised accordingly.
- 16) The pedestrian access route connecting the development to the Co Rd 2 sidewalk must be clearly identified in the area where it coincides with Private Drive B, by either using a different surface material or pavement markings, and this shall be clearly depicted in the construction plan drawings.
- 17) Maintenance of the pedestrian route through the development must be handled by the homeowners association and reflected in the development agreement and association documents, as approved by the City Attorney.
- 18) Maintenance of the interior Dorthy Lane cul-de-sac island will be the responsibility of the homeowners association and reflected in the development agreement and association documents, as approved by the City Attorney.
- 19) The developer must submit a tree inventory, or statement regarding the lack of significant trees on the property, prepared by a forester or a landscape architect, as required by Section 12-9-9 of the City Code.
- 20) The existing curb cut into the property from Co Rd 2 must be permanently closed upon development of the property. No access to the property will be permitted from Co Rd 2 or Co Rd 91.
- 21) All advertising signs currently existing on the property must be removed as a condition of development.
- 22) A park dedication fee will be required in lieu of the park land dedication requirements of the City Code / Subdivision Ordinance.
- 23) Signing must be provided so that all addresses are clearly visible and understandable for emergency responders.

And noting that:

- 1) The overall density is consistent with the Comprehensive Plan.
- 2) The sidewalk requirement along local streets for the proposed development is being waived because there is no sidewalk located to the south along Dorothy Lane.
- 3) The trail requirement adjacent to Co Rd 2 is being waived because there is an existing sidewalk along Co Rd 2.
- 4) The trail requirement adjacent to Co Rd 91 is being waived because the topography and wetland issues along the west side of Co Rd 91 between Main Street and Aaron Drive make it difficult to construct a trail in this location.
- 5) The wetland and stormwater pond are being covered by a drainage and utility easement rather than conveyed in fee to the City.
- 6) Dorothy Lane is being platted within a 50' right-of-way rather than the required 60' right-of-way because it matches the right-of-way width in the adjacent Kelly Glen subdivision to the south.
- 7) The Planning Commission directs City Staff to work with the developer and neighboring property owners on screening/buffering efforts on neighboring property owner's property.

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

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

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated June 1, 2017 regarding the proposed temporary outdoor uses (seasonal outdoor sales) amendment.

Christianson indicated that the formal processing the amendment follows previous feedback received from the Planning Commission at the May 4, 2017 meeting. Christianson explained that the amendment would allow City businesses to conduct garage sales in conjunction with City-wide garage sales.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 8:12 p.m.

No comments were received at the public hearing.

A motion was made by Kruckman and seconded by Thompson to close the public hearing at 8:13 pm. Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None. Motion carried (4-0).

With no further comments from the Planning Commission, a motion was made by Hartzler and seconded by Kruckman to amend Section 11-5-11-C of the City Code to read as follows:

C. Temporary/Seasonal Outdoor Sales:

1. Zoning District Allowance: Temporary/seasonal outdoor sales, including, but not limited to, Christmas tree sales and transient merchant sales, shall be limited to business, industrial and institutional zoning districts.
2. Duration: Administrative permits for temporary/seasonal outdoor sales shall be for a period not to exceed ninety (90) days in one calendar year. No more than two (2) permits shall be issued to the same applicant or property in any calendar year.
3. Performance Standards:
  - a. Off street parking and loading shall be provided as required by [chapter 9](#) of this title.
  - b. The use of a public address system shall be allowed, provided Minnesota pollution control agency (MPCA) noise standards are upheld and such systems do not constitute a nuisance as defined by this code.
  - c. The site upon which the temporary/seasonal outdoor sale is to be conducted shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
  - d. Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
  - e. No uses or displays shall be permitted in required parking areas, required green areas, parking setback areas, or any right of way or other public property.
  - f. Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on a site plan that is submitted and determined by the zoning administrator to not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
  - g. Signage shall be limited to one sign not to exceed thirty two (32) square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted or erected in an appropriate location. This limitation applies to all signs associated with the sale, including those affixed to vehicles. The sign may be illuminated but shall comply with all requirements of [chapter 12](#) of this title.
  - h. All lighting shall comply with the lighting standards of section [11-4-7](#) of this title.
  - i. The sale and associated parking shall not obstruct parking spaces needed by any permanent business established on the site except when a sale is held when the business is closed.
  - j. No portion of the use or event shall take place within one hundred feet (100') of any residential buildings.
  - k. The zoning administrator shall have the authority to exempt certain conditions determined to be non-applicable and impose additional

conditions determined necessary to ensure public health, safety and welfare.

4. Exemption: A business located in a business or industrial zoning district shall be exempt from the requirements of Section 11-5-11(B) and 11-5-11(C) one time per calendar year for a single event not to exceed four (4) consecutive days in connection with a City-wide garage sale event.

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

## 8. GENERAL BUSINESS

### A. Street Design Standards Amendment

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated June 1, 2017 regarding proposed changes to the City's street width as currently provided in the City's Subdivision Ordinance, and curb and gutter design detail plates.

Christianson, with input from City Engineer Revering, specifically requested Planning Commission feedback on the following items.

Street Width Reduction. City Staff suggested that that the current street width requirement of 32 for "local streets" be reduced to 28 feet. Christianson and Revering specifically highlighted the following benefits of narrower street widths:

- 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 makes an allowance for on-street parking.
- Reducing the street width by 4 feet (12%) also reduces runoff from the reduced impervious surface, resulting in reduced ponding and infiltration requirements.

Christianson suggested that, if the proposed street width change is supported by the Planning Commission, Staff be directed to schedule a public hearing on the proposed ordinance amendment at the July 6, 2017 Planning Commission meeting.

Curb and Gutter. Christianson indicated that that the City Subdivision Ordinance requires "insurmountable" curbs (commonly referred to as a "B618" curb) in association with street construction and that such curbing requirement is not consistent with the curbing requirements as provided in the City's adopted Engineering Manual (specifically the standard street detail plates).

Christianson and Revering noted that the Manual includes a detail for “surmountable” curbs but not “insurmountable” curbs. In this regard, Christianson and Revering suggested that a detail for an B618 curb be added to the City’s Engineering Manual (street detail plates).

Christianson and Revering highlighted the following benefits of insurmountable (B618) and surmountable curbs for the Planning Commission:

Insurmountable Curb (B618 Curb):

- Improved traffic delineation and control
- Improved driveway width control
- Reduces illicit driveway connections or ad hoc street access
- Reduces turf damage during snow plowing
- Easier to plow; plow drivers can ‘feel’ the edge of the curb
- Increased water runoff capacity
- Greater visual appeal

Surmountable Curb:

- No need to predetermine driveway locations or remove curb if plans change

Following Christianson’s presentation, the Planning Commission discussed the pros and cons of insurmountable and surmountable curbs.

Following the preceding discussion, the Planning Commission directed the Staff to do the following:

1. Schedule a public hearing for the suggested street width change (Subdivision Ordinance amendment) at the Planning Commission’s July 6, 2017 meeting.
2. Modify the City’s Engineering Manual to replace the existing surmountable curb detail with an insurmountable curb detail (B618) such that curbing requirements in the Manual are consistent with the City’s Subdivision Ordinance standards.

## 9. MISCELLANEOUS

**A. City Code Enforcement Policy.** Community Development Specialist Christianson advised the Planning Commission of the City Council’s recent adoption of an official Code Enforcement Policy. Christianson noted that a copy of the approved policy is included in the Planning Commission meeting packet.

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

- Drainage complaints
- Avant project

- New Market Bank project
- Boulder Heights
- Circle View project
- Park I-35

**10. ADJOURNMENT**

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 8:58 p.m.  
Vote for: Thompson, Smith, Kruckman and Hartzler. Against: None. Abstained: None.  
Motion carried (4-0).

Submitted by:



Renee Christianson, Community Development Specialist