

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
March 6, 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 and Vetter

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

Staff Present: City Administrator Terry, 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 Vetter to approve the agenda with the following minor change:

The day of the day of the meeting, as referenced on the agenda, be changed from Thursday, March 6, 2018 to Tuesday, March 6, 2018.

Vote for: Thompson, Kruckman, Smith and Vetter. 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 Smith and seconded by Kruckman to approve the minutes of the February 1, 2018 Planning Commission meeting as written. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

7. PUBLIC HEARINGS

There were no public hearings.

8. GENERAL BUSINESS

A. Zoning Ordinance Amendment - Commercial Vehicle Parking

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated March 6, 2018 related to the proposed commercial vehicle parking amendment. Christianson explained that the proposed amendment is intended to correct an inconsistency which presently exists in the Ordinance regarding the regulation of commercial vehicle parking in residential zoning districts.

Christianson noted that the proposed amendment was discussed at several past Planning Commission meetings (in May, October and November of 2017). It was specifically noted that the Planning Commission recommended the following at the November meeting:

1. No exceptions be made in the Ordinance for the parking of Class 1 commercial vehicles in residential zoning districts.
2. Staff prepare an Ordinance amendment which makes an allowance for the parking of Class II commercial vehicles in residential zoning districts
3. A public hearing be scheduled to consider the referenced Ordinance an amendment.

Christianson noted that a public hearing was held on January 4, 2018 to formally consider Ordinance changes and that a significant number of comments were received during the public hearing.

It was indicated that persons in favor of the amendment as presented, which would continue to prohibit the parking of Class I vehicles in residential districts, cited the following concerns related the potential allowance of Class I commercial vehicle parking in residential zoning districts:

- Negative impacts the neighborhood appearance
- Negative impacts on property values
- Noise concerns (back-up beepers)
- Street impacts (not designed for commercial vehicles)
- Unsafe conditions (related to the backing of large commercial vehicles)
- Air quality (from diesel truck engines)

Christianson also stated that persons in opposition to the amendment (the prohibition of Class I commercial vehicle parking in residential districts) were primarily represented by persons directly or indirectly involved in towing businesses. In this regard, the following opinions were also expressed at the public hearing:

- An allowance should be made for tow truck parking in residential zoning districts.
- Prompt response times for tow truck drivers are critical and that, for this reason, many towing service employees park their tow trucks at their homes.

- Tow truck services should be considered and permitted as an essential emergency activity in the City (similar to police and fire response calls).
- The prohibition of tow truck parking in residential zoning districts would negatively towing business operations (both in terms of efficiency and financial impacts).
- The parking of work-related commercial vehicles in residential zoning districts reflects the character of the City of Elko New Market.

Having heard the preceding testimony, the Planning Commission closed the public hearing and directed the following:

- Change the registration requirements for Class I commercial vehicles which hold grandfather rights from an annual requirement to a “one-time” registration.
- Allow a maximum of two Class II commercial vehicles to be parked on residentially zoned property.
- Research additional city codes related to the regulation of commercial parking in residential districts.

Christianson summarized the results of the requested city code research for the Planning Commission, stating that all surveyed cities (13 total) include some limitations imposed upon commercial vehicle parking in residential zoning districts. It was noted that the most common means of regulation is by gross vehicle weight rating (GVWR) limits and/or dimensions.

Christianson concluded her presentation recommending that the Planning Commission recommend approval of the amendment (to the City Council) with the changes directed at the January 4, 2018 Planning Commission meeting.

Following Christianson’s presentation, the Planning Commission discussed the possibility of changing the definitions of Class I and Class II commercial vehicles at some future point (to reference gross vehicles weight rating rather than by type). The Commission concluded that it would act on the amendment under consideration (as presently written) and that the commercial vehicle definition issue will be considered at a future Planning Commission meeting when a full Commission is present.

A motion was made by Smith and seconded by Vetter to recommend approval of the commercial vehicle parking amendment as written.

Prior to acting on the motion, Gene Meger, who resides at 71 West Louis Street, raised question as to whether the public hearing was properly noticed as limited information was provided in the City’s official newspaper. It was concluded by City staff that the hearing was properly noticed.

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

B. Barsness PUD Sketch Plan Review

Chairman Thompson asked Community Development Specialist Christianson to present her memorandum dated March 6, 2018 related to the Barsness PUD (Planned Unit Development) sketch plan review.

Christianson stated that the City has been working with Warren Barsness regarding a possible commercial development located at the southeast quadrant of County Road 2 and County Road 91 for several years. It was indicated that City staff had received concept plan drawings in July of 2016 and provided staff level comments to Mr. Barsness and his development team at that time.

Christianson stated that Mr. Barsness has formally submitted an application for Sketch Plan review of a proposed Planned Unit Development and is seeking Planning Commission input on the project.

Christianson described the following components of the commercial project:

- A combination gas station and grocery/convenience store containing approximately 7,956 square feet
- A 1,920 square foot car-wash containing two drive-through bays
- An attached 2-story speculative office, retail and storage building containing approximately 19,248 square feet
- Two speculative buildings to be included in future phases

Christianson also stated that a three-lot plat (subdivision) entitled Barsness 1st Addition has also been proposed.

Christianson provided an overview of the purpose PUD, planned unit development and stressed to the Planning Commission that requested ordinance deviations associated with PUD's are intended to be allowed only when a "trade-off" of sorts takes place which results in a higher quality development product than would otherwise be achieved through standard zoning.

Community Development Specialist Christianson summarized her planning report and provided a PowerPoint review of the following issues:

- Consistency with the City's Comprehensive Plan
- Rezoning issues and evaluation criteria
- Summary of requested PUD flexibilities (from B-1, Neighborhood Business District standards)
- Lot size and setback criteria
- Building design requirements
- Pump island, fuel island canopy and commercial car wash design requirements
- Site circulation near the gas station
- Off-street parking and loading requirements

- Trash handling
- Landscaping, lighting and signage requirements
- Easement requirements under City Subdivision Ordinance
- Wetland, floodplain, DNR Protected Water issues
- Utility issues including stormsewer, water and sanitary sewer
- Park and trail requirements
- Access, road and transportation issues
- Future roundabout design, and options for site access

At the conclusion of her presentation, Christianson stated that Staff is supportive of the proposed uses upon the property and suggested that restaurants be included in the allowable uses. Christianson specifically reviewed several Ordinance deviations (PUD flexibilities) that are supported by staff, and stated her belief that there are design-related issues which need to be addressed as the project moves forward. Areas of concern included the following:

- Concerns with proposed building design and materials
- Concern with proposed landscaping around motor fuel station
- Concern with width of proposed drainage and utility easements
- Concern with trails (proposed to be “by others”)
- Concern with lack of vehicle stacking spaces for vehicles entering car wash
- Concern with lack of off-street loading area and area for garbage dumpster
- Concern regarding proposed access and lack of turn lanes into the property

Christianson also reminded the Planning Commission that informal feedback on the project is being requested at this time, for incorporation into the Development Stage PUD and preliminary plat applications.

Following Community Development Specialist Christianson’s presentation, City Engineer Rich Revering described the conceptual roundabout design and outlined options for access to the site.

The property owner (Warren Barsness) and the property owner’s development representative (Dale Runkle) then offered the following comments:

- County Road access-related concerns can be addressed.
- Ample area exists upon the site for the maneuvering of fuel trucks, and the proposed fuel supplier has verified this.
- The layout of the proposed gas pump islands was prepared by motor fuel station professionals.
- A garbage dumpster will be incorporated into future plans
- The building can be designed with many optional finishes, and can be designed to incorporate a brick or stone look.
- The PUD has been requested as a means to accommodate development upon a parcel which has very limited buildable area. It was contended that development of the

parcel likely would not be possible without flexibilities afforded by the PUD, due to wetland and access issues.

Consulting Planner Bob Kirmis noted that it is customary to use 90% net useable floor area when calculating parking requirements, rather than the 80% net useable floor area proposed by the applicant.

Following Community Development Specialist Christianson's presentation and applicant comments, the Planning Commission offered comments/questions related to the following:

- The Planning Commission is generally supportive of the various uses that are proposed on the site.
- The applicant/developer needs to address numerous design-related issues on the site as outlined in the staff report.
- If PUD is used as a development tool, the City should receive some benefits which fulfill the objectives of planned unit development.
- Questions were raised related to the amount of green space which is proposed along County Roads 2 and 91.
- Additional detail related to building finishes is needed.
- Concern exists related to vehicle stacking space provided for the proposed carwash and related impacts on site circulation. In this regard, it was suggested that consideration be given to constructing a freestanding carwash (on an adjacent parcel within the subdivision) or eliminating the carwash altogether.
- Additional landscaping needs to be provided.
- The Commission is generally supportive of narrower planting areas along the two County roads, if the site design and landscaping plan is significantly enhanced.
- Access and trail locations on the site should be coordinated with the design of the County Road 2/County Road 91 roundabout.

Ultimately, the Planning Commission concluded that the following should be considered as part of the forthcoming Development Stage PUD and preliminary plat applications:

The following City Code deviations are supported:

- Building setback deviation for building on Lot 1 – 12' from side
- Wetland setback deviation for buildings on Lot 2 – 10' from wetland
- Side setback deviation for building on Lot 2
- Building setback deviation for building on Lot 3 – 53' from front row
- Stormwater pond setback for building on Lot 3 – 10'
- Wetland setback for building on Lot 3 – 30'
- Wetland buffer setback to 0', as depicted on site plan
- Requirement that 25% of lot be landscaped

The following City Code deviations are **not** supported:

- Deviation for building materials on motor fuel station (gateway to City)

- Deviation for car wash stacking spaces (negatively affects internal site circulation at gas station)
- No off-street loading area (high likelihood that loading space will be needed for convenience store and other deliveries)
- No garbage dumpster area

The following items should be considered as part of the forthcoming Development Stage PUD and preliminary plat applications:

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. Subject to the City Engineer's memo dated March 6, 2018.
3. Final development, grading and construction plans must be approved by the City Engineer, Public Works Director and Community Development Specialist prior to final plat approval.
4. Additional descriptive information should be provided regarding the meaning of the requested "storage" use.
5. The B1 Neighborhood Business District standards apply to the development, except as specifically noted in the table describing allowable variations.
6. All approvals should be subject to the approval of all wetland applications, including wetland boundary concurrence and approval of the wetland replacement plan.
7. The developer shall submit a letter explaining how the project, as proposed, meets the intended goals of a PUD and how the development will exceed City design requirements to offset the effect of (PUD) variations to required design standards.
8. Cross access easements will be needed to ensure perpetual access to Lot 1.
9. The proposed motor fuel station canopy must be setback 30' from the right-of-way lines and shall meet the design requirements of Section 11-26A-4 of the City Code. Additional details regarding the proposed fuel station canopy should be provided with the PUD application.
10. 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.
11. 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 predominant exterior

building material for the buildings on proposed Lots 2 & 3 shall consist of brick or stone. At least 40% of the front facing façade shall consist of windows.

12. The site plan shall be revised to show 24' between the pump islands, as required by Title 11-26A-4 of the City Code.
13. The building renderings shown on the "Concept Elevation" drawing dated 11/29/17 should be revised to clearly reflect single fueling stations, or the rendering should be removed from the plans.
14. The plans shall be revised so that the required car wash stacking spaces are provided and clearly identified, and do not create any conflicts with the traffic circulation on the site.
15. The plans shall be revised to depict the required off-street loading space as required by Title 11-9-11 of the City Code.
16. The developer shall submit WB-62 and other truck turning movement templates / diagrams to ensure that there is adequate space within the site for large trucks and fuel suppliers to maneuver.
17. Future submittals should incorporate the location for a garbage dumpster which meets the requirements of Section 11-4-3 of the City Code.
18. The developer must provide calculations for the amount of proposed green space located outside of the wetland area to determine the percentage of proposed green space / landscaped area within the site.
19. The landscape plan shall be amended to remove the proposed willow trees located near the stormwater ponds, add trees in possible parking lot bump-out areas, and add flowering perennials throughout the site.
20. The lighting plan 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.
21. The Planning Commission is open to a reduced drainage and utility easement along the perimeter of the site if the site can be significantly enhanced in terms of design and landscaping, and it is demonstrated that the site and surrounding area can function with the reduced easement area.
22. The proposed public street access into the property shall be redesigned to address the comments of the City Engineer and Public Works Director.
23. The Planning Commission is open to considering a reduced setback for the perimeter parking lot curbing (15' standard requirement) if the site can be significantly enhanced in terms of design and landscaping.

24. The developer will be required to provide for turn-lanes into the site. Turn lanes include an east-bound right turn lane on Co Rd 2, and both a north-bound right turn lane and a south-bound left turn lane from Co Rd 91. Two possible options for design and construction of the turn lanes into the site include:
 - a. The developer may design and construct the turn lanes into the site, as required by Scott County.
 - b. The east-bound right turn lane, a north-bound right turn lane, and a south-bound left turn lane into the site could be designed and constructed in conjunction with the proposed roundabout project, with all costs associated with the turn lanes being placed in escrow with the City by the developer. The turn lane will benefit the subject property and therefore the developer/property owner should bear costs associated with the proposed turn lane. (This method would need to be approved by Scott County and would require timing coordination.)
25. The plans shall be amended to depict a 10' trail along the north and west sides of the property. The Planning Commission recommends that, if the City Council is proposing a larger trail project as part of the future roundabout project construction, the trails adjacent to the subject property be incorporated into the roundabout project, with the cost being borne by the developer. If the City Council elects not to construct a larger trail project with the roundabout project, the trails should be constructed by the developer at the time of development of the site.
26. The plans shall be amended to clearly depict a pedestrian route from the perimeter trail/sidewalk system into the proposed motor fuel station building.
27. Stormwater calculations must be approved by the City Engineer and Scott County.
28. The plans shall be amended to show the existing wetland areas and proposed stormwater ponds in outlots, to be dedicated to the City, rather than in easements as currently depicted.
29. The developer shall contribute cash in-lieu-of park land dedication, as recommended by the Parks Commission.
30. An emergency /rapid access system will be required on the proposed commercial buildings at the time of construction.

9. MISCELLANEOUS

A. City Staff / Consultant Business Updates and Reports

Project Updates. Community Development Specialist Christianson provided updates on various City projects as provided in her memorandum dated March 1, 2018. Specific discussion took place regarding the following projects:

- Boulder Pointe 7th Addition
- Syndicated Properties Townhome Project
- Dakota Acres (City-owned property)
- Christmas Pines
- Kwik Trip inquiry

B. Planning Commission Questions and Comments

It was noted by Staff that an open house was held on March 6, 2018 for the proposed County Road 2/County Road 91 roundabout.

10. ADJOURNMENT

A motion was made by Vetter and seconded by Kruckman to adjourn the meeting at 9:55 p.m. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

Submitted by:



Renee Christianson
Community Development Specialist