

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
May 29, 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 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**

There were no announcements.

**6. APPROVAL OF MINUTES**

A motion was made by Hartzler and seconded by Smith to approve the minutes of the April 24, 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. Draft Amendment to Zoning Ordinance – Commercial Vehicle Definition**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated May 29, 2018 related to the draft Zoning Ordinance amendment for Commercial Vehicle definitions. Christianson explained that the topic originated with a request from Marek Towing to allow certain tow trucks in residential zoning districts. Following significant discussion on the matter, the Commission directed staff to draft an amendment for consideration that would simplify the definition of Class I

and Class II Commercial Vehicles, to reference gross vehicle weight rating and size rather than by vehicle type.

Christianson noted that a number of other community's codes were researched and most cities regulated the parking of commercial vehicles in residential zoning districts. Commercial vehicles were commonly defined by tonnage, gross vehicle weight rating, or by size (length and height). Christianson reviewed the definition of gross vehicle weight rating (GVWR). Following Christianson's presentation, a public hearing was opened at 7:09 p.m. The following comments were received during the public hearing:

- Dennis Green, 51 West Louis Street, Elko New Market. Christianson read allowed a letter submitted by Mr. Green who was unable to attend the meeting but submitted comments for inclusion in the record. Mr. Green noted the following concerns with parking large commercial vehicles (tow trucks specifically) in residential districts:
  - Come and go at all hours of the day and night
  - Have audible alert while backing up
  - Disruptive to residents and impacts quality of life
  - Parking commercial vehicles in streets causes concerns for emergency vehicle access to neighborhoods
  - Decrease residential property values
  
- Gene Meger, 41 West Louis Street, Elko New Market. Mr. Meger addressed the Commission, presenting a photograph of an 18,000 GVWR vehicle parked at a residential property, and stating the following concerns regarding parking of commercial vehicles in residential districts (specifically tow trucks):
  - 18,000 GVWR vehicles are too large to be parked in a residential areas
  - Large vehicles in residential districts cause a public safety hazard
  - Commercial vehicles belong in commercial zoning districts
  - Keep residential zoning districts for residential uses
  - Large trucks are hazardous on narrow streets with no sidewalks
  - Parking of tow trucks is an extension of a towing business
  - City staff survey of surrounding communities shows commercial vehicles not allowed in residential districts have average of 10,000 GVWR and 22' length
  - Other communities do not allow tow trucks in residential districts and make it work

It was moved by Hartzler, seconded by Vetter to close the public hearing at 7:20 p.m.

The Planning Commission held significant discussion on the matter. Commissioner Hartzler stated that he felt the proposed amendment to the definition of commercial vehicles is really just a decision about tow trucks, and whether tow trucks should be allowed in residential districts. Staff was asked to display various types of vehicle specifications (GVWR, length, height) during the meeting, including transit vans and various sized pickup trucks.

Chairman Thompson introduced and asked for a roll call vote on the following question: "Does the Commission recommend changing the current definition of commercial vehicles

to reference size and weight rather than vehicle type?" Vote for: Kruckman, Smith, Hartzler. Against: Thompson, Vetter. Abstain: none. Motion carried: (3-2).

Chairman Thompson introduced and called for a roll call vote on a motion to recommend to the City Council an amendment to the definition of commercial vehicles as follows:

Class I: Vehicles which exceed any of the following:

A gross vehicle weight rating (GVWR) of eighteen thousand (18,000) pounds  
A height of nine (9) feet  
A length of twenty-four (24) feet

Class II. All vehicles other than Class I commercial vehicles and which do not exceed any of the following:

A gross vehicle weight rating (GVWR) of eighteen thousand (18,000) pounds  
A height of nine (9) feet  
A length of twenty-four (24) feet

Vote for: Kruckman, Hartzler. Vote against: Thompson, Smith, Vetter. Abstain: None. **Motion failed** (2-3).

Following further discussion, Commission Smith made a motion, seconded by Thompson, to recommend to the City Council an amendment to the definition of commercial vehicles as follows:

Class I: Vehicles which exceed any of the following:

A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds  
A height of nine feet six inches (9'6")  
A length of twenty-two feet and six inches (22'6")

Class II. All vehicles other than Class I commercial vehicles and which do not exceed any of the following:

A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds  
A height of nine feet six inches (9'6")  
A length of twenty-two feet and six inches (22'6")

Vote for: Thompson, Smith, Vetter, Hartzler. Vote against: Kruckman. Abstain: None. Motion carried: (4-1).

## **8. GENERAL BUSINESS**

### **A. Discussion Regarding Rezoning of 580 Paul Street Property – Bernie Mahowald**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated May 29, 2018. Christianson explained that Bernie

Mahowald owns the property located at 580 Paul Street which is a vacant 3.13 acre property near the downtown area. The property is currently zoned R3, medium density residential which conflicts with the current Comprehensive Plan which guides the property to low density residential. Mr. Mahowald has inquired about whether the City is open to the open to either medium or low density residential development on the property. The property is currently listed for sale and he is concerned with how to market the property.

Christianson further noted that the Draft 204 Comprehensive Plan guides the property to medium density residential, which is a change from the 2030 Comprehensive Plan. After discussion, the Commission indicated that at this time they are open to either low or medium density development of the property, and further noted that any zoning or development efforts should be coordinated with the adjacent (Tuma) property.

### **B. Review of Sylvester Meadows – Bernie Mahowald, Applicant**

Community Development Specialist Christianson presented the Commission with an overview of a conceptual development plan for the Sylvester Meadows plat which showed nine residential lots which are believed to meet the R-1 zoning district requirements.

Christianson stated that water service can be provided from Aaron Dr and some type of lift station will be needed for sanitary sewer service. She noted that a stormwater management plan will need to be submitted, and a wetland delineation and tree inventory will be required. Also noted was that the street right-of-way is proposed at 50' in width which does not meet the current requirement, but that the right-of-way width has already been established at the connection to Aaron Drive.

Christianson stated that the current Park and Trail Plan indicates a trail corridor on the south side of the proposed lots, and the City's Parks Commission will need to make a recommendation regarding the park land dedication and the trail corridor. Christianson also noted that the wetland boundary is not currently known and there will be a requirement for a vegetative wetland buffer.

The Commission indicated that they are in support of the development, the proposed R-1 zoning of the property (noting that lot sizes should meet the minimum standards for the R-1 zoning district) and the proposed 50' right-of-way width.

### **C. Review of Dakota Acres 1<sup>st</sup> Addition**

Community Development Specialist Christianson informed the Commission that an application for rezoning, preliminary and final plat approval of Dakota Acres 1<sup>st</sup> Addition had been received. The application has initially been determined to be incomplete but staff expects that the item may be scheduled on the June or July Planning Commission agenda. Christianson stated that she wanted to make the Commission aware of the proposed development which contains 28 proposed townhome units.

The Commission asked if they could view sample building elevations for the project, which Christianson displayed. The Commission discussed the original requirement that Oriole Street connection to James Parkway be closed / removed. Christianson stated that the

developer has indicated they will request that the Oriole Street access to James Parkway remain open. City Engineer Rich Revering, who was present at the meeting, stated that his recommendation to close the Oriole Street access will remain. There was a consensus of the Commission that the Oriole Street access be closed upon platting of Dakota Acres 1<sup>st</sup> Addition.

## **9. MISCELLANEOUS**

### **A. Expectations for Boards & Commissions**

Community Development Specialist Christianson informed the Planning Commission that the City Council has recently reviewed the expectations for Boards and Commissions. One recommended change that would affect Planning Commissioners would be an educational requirement that would require a Commissioner to participate in a minimum of one training session every two year.

### **B. Education Opportunities for Planning Commissioners**

Christianson informed the Commission that Government Training Services now offers two of their classes virtually. The American Planning Association also offers a number of on-line classes which can be completed individually or in a group setting, and the League of Minnesota Cities offers two on-line courses relating to land use. The Commission indicated that they are more interested in on-line and virtual classes than attending classroom sessions, and that they would be interested in viewing in a group setting with Elko New Market Planning Commission members.

### **C. Adelman Property Marketing Video**

Community Development Specialist Christianson displayed a marketing video for the Adelman family properties which was created by Appro Development and ISG.

### **D. City Staff / Consultant Business Updates**

Community Development Specialist Christianson provided updates on various City properties and projects. Specific discussion took place regarding the following projects:

- Offer recieved on City owned property
- Marty Deutch property on MLS
- Pete's Hill Park
- Inquiry from National Builder
- Park I-35 lead

### **E. Planning Commission Questions & Comments**

The Commission inquired about solar panels that had been installed in a house located on Todd Street and whether or not a permit had been issued. Staff to investigate.

## 10. ADJOURNMENT

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 8:59 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