

**MINUTES**  
**CITY OF ELKO NEW MARKET**  
**PLANNING COMMISSION MEETING**  
**November 2, 2017**  
**7:00 PM**

**1. CALL TO ORDER**

Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:02 p.m.

Commission members present: Thompson, Smith, Kruckman and Vetter

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

Staff Present: City Administrator Terry, 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**

City Administrator Terry advised the Planning Commission that one additional item has been added to the agenda. Terry noted that Item 9.C should be added which relates to the City's all-terrain vehicle (ATV) regulations. A motion was made by Smith and seconded by Vetter to approve the agenda with the addition of Item 9.C as stated by City Administrator Terry. Vote for: Thompson, Smith, Kruckman 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 Thompson and seconded by Smith to approve the minutes of the October 2, 2017 Planning Commission meeting as written. Vote for: Thompson, Smith, Kruckman and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

**7. PUBLIC HEARINGS**

**A. Frasson Variance Request**

City Administrator Terry advised the Planning Commission that, as a result of Community Development Specialist Renee Christianson meeting absence, he will present the Staff report for the Frasson variance request. Terry explained that the Frassons wish to expand the size

of their attached two-stall garage located at 230 St. Mary Street. Terry noted that the applicant's intention is to provide additional indoor storage for their vehicles. To accommodate the proposal, it was noted that the following approvals are required:

1. Variance from 30-foot rear yard setback requirement in R-2, Urban (Small Lot) Single Family Residential zoning districts; a 5.7-foot setback has been proposed.
2. Variance from maximum 1,000 square foot area requirement for attached garages; a garage measuring 1,008 square feet in size has been proposed.

City Administrator Terry highlighted the following items as addressed in detail within Christianson's memorandum dated November 2, 2017:

- Neighborhood conditions
- Applicable R-2 District setback requirements
- Nonconforming structure conditions
- Variance evaluation criteria
- Various plan alternatives

Terry concluded his presentation by stating that Staff finds the proposed rear yard setback to be excessive and therefore cannot recommend approval. Terry did however, note that Staff supports an alternative garage expansion plan as presented in the Staff memorandum as "Option C" with the following conditions imposed:

- 1) The garage addition shall be designed to match the façade of the existing home.
- 2) The roof pitch on the proposed garage addition shall match the roof pitch of the existing home.
- 3) In the event that Option C is supported by the Planning Commission, brick wainscoting shall be provided on the north facing building elevation which matches the existing finish on the home.
- 4) The garage shall not be used for home occupation purposes except as allowed by City Code.

Terry also noted that Staff does not support the variance request to allow the garage to exceed 1,000 square feet in size.

Following City Administrator Terry's presentation, Chairman Thompson opened the public hearing at 7:18 p.m.

Comments received at the public hearing were limited to comments received from Bernie Mahowald, who represented the property owner. Mr. Mahowald stated that the property owner generally supports "Option C" as provided in the Staff memorandum except that he prefers a 10-foot building expansion into the rear yard rather than an expansion of eight feet (as depicted on "Option C"). Mr. Mahowald also conveyed the property owner's intention

to comply with the City's maximum 1,000 square foot floor area requirement applied to attached garages.

Following the received public testimony, a motion was made by Thompson and seconded by Kruckman to close the public hearing at 7:23 pm. Vote for: Thompson, Smith, Kruckman and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

The Planning Commission voiced support for the proposal presented by Mr. Mahowald ("Option C" as provided in the Staff memorandum with an increase in the rear yard expansion from eight to 10 feet).

Following the Planning Commission discussion, a motion was made by Smith and seconded by Vetter to recommend approval of a variance from the 30-foot rear yard setback imposed in R-2, Urban (Small Lot) Single Family Residential zoning districts, with the following findings:

- 1) The variance is consistent with the Comprehensive Plan in that the property will continue to be used for low density/single-family residential purposes.
- 2) The variance is in harmony with the general purposes of the Zoning Ordinance. The property will continue to be used for single-family residential purposes with an attached garage, which is a permitted use of the property in the R-2 zoning district.
- 3) Granting the variance is not based on economic considerations. There is no alternative location on the property to add onto the existing garage or to construct a detached garage.
- 4) The dimensions of the property are unique in that the lot is only 85' in depth, which is smaller than a typically residential lot. The lot was created prior to adoption of zoning regulations within the City.
- 5) Granting the variance will not alter the essential character of the neighborhood. A street view of the property will continue to show a rambler home with attached two car garage which is consistent with neighboring properties.
- 6) The practical difficulty existing on the property is a deficiency of attached garage space. The property owner is proposing a garage addition containing a depth of 18' which is typically the minimum depth required to park a vehicle.

And subject to the following conditions:

- 1) The submitted site plan shall be modified to be consistent with "Option C" (as provided in the Community Development Specialist's staff report dated November 2, 2017) except that a rear yard building expansion of 10 feet, rather than eight feet, shall be allowed.

- 2) The total floor area of the attached garage shall not exceed 1,000 square feet.
- 3) The garage addition shall be designed to match the façade of the existing home.
- 4) The roof pitch on the proposed garage addition shall match the roof pitch of the existing home.
- 5) Brick wainscoting shall be provided on the north facing building elevation which matches the existing finish on the home.
- 6) The garage shall not be used for home occupation purposes except as allowed by City Code.

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

## **8. GENERAL BUSINESS**

### **A. Commercial Vehicle Amendment / Marek's Towing Request**

Chairman Thompson asked City Administrator Terry to present Community Development Specialist Renee Christianson's memorandum dated November 2, 2017 related to the City's commercial vehicle parking regulations. Terry explained that, as a follow-up to previous Planning Commission discussion, Staff has provided a variety of information related to the regulation of commercial vehicle parking in residential zoning districts.

City Administrator Terry 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.

Terry noted that, in previous discussion, the Planning Commission suggested that the Ordinance be changed to allow the parking of two Class II vehicles in residential zoning districts but continue the prohibition of Class I vehicle parking in such districts.

Terry summarized Christianson's research related to commercial vehicle parking requirements in various neighboring cities. Specifically, regulations imposed by the Cities of Shakopee, Savage, Prior Lake, Jordan, Belle Plaine, New Prague, Lonsdale and Lakeville were highlighted. It was concluded that the City of Elko New Market's commercial vehicle parking requirements that are being proposed by staff are generally more lenient than those of neighboring communities.

Terry also made note of a recent request of Marek Towing to allow the parking of a tow truck (a Class I vehicle, by definition) 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.

Following Mr. Terry's presentation, Commissioner Thompson invited comments from the general public. In response, the following comments were received:

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 he specifically supports an amendment which makes an allowance for "flatbed" tow trucks (which provide an emergency service) to be parked in residentially zoned areas of the City. Mr. Marek stated that parking of such vehicles at the driver's home would improve emergency response times.

Gene Meger - 41 West Louis Street. Mr. Meger expressed his opposition to an amendment which would make an allowance for the parking of large (Class I) commercial vehicles in residential zoning districts. He also expressed his belief that that alternative parking areas for such vehicles exist in the area.

Dennis Green - 51 West Louis Street. Mr. Green informed the Planning Commission that he lives near Mr. Gaaskjolen who works for Marek Towing, and that the parking of large (Class I) commercial vehicles on the property has been an ongoing problem. Mr. Green specifically cited ongoing vehicle noise as a problem which often impacts his sleep. Mr. Green also raised concern that the allowance of commercial vehicle parking in residential districts would negatively impact property appearance and values in the City.

Following the received public comments, the Planning Commission recommended the following:

1. No exception be made in the Ordinance for the parking of large tow trucks (Class 1) 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 and that a public hearing to consider such an amendment be scheduled.

## **B. Comprehensive Plan - Land Use Plan**

Chairman Thompson asked Planner Bob Kirmis to present his memorandum dated October 5, 2017 related to the 2040 Land Use Plan. Kirmis explained that City Staff has prepared a draft Land Use Plan for review and feedback by the Planning Commission.

Kirmis stated that the draft 2040 Land Use Plan map is intended to convey development expectations through the year 2040 and that such map will ultimately be supported by a descriptive narrative in the Plan text.

Kirmis also addressed the following items as provided in his memorandum:

- Metropolitan Council planning directives.
- The City’s growth concept (2040 and Ultimate Land Use Plans).
- The present “Mixed Use” land use designation (per 2030 Plan) and its proposed elimination in the 2040 Plan.
- County zoning applied to unincorporated areas within 2030 MUSA
- 2040 Land Use Plan category descriptions.

Kirmis and City Administrator Terry highlighted the proposed changes from the 2030 Land Use Plan and explained the rationale for such changes.

Following the Staff presentation, the Planning Commission offered the following comments related to the draft 2040 Land Use Plan:

- Recognizing that changes to the Plan can be made in the future, the Commission was generally supportive of the draft 2040 Land Use Plan as presented.
- It was noted that the construction of a new County Road 86 / Interstate 35 interchange (at some future point) could significantly impact the City’s land use planning efforts and the specifically the City’s Land Use Plan.
- It was suggested that the draft Land Use Plan be modified to depict the Eagle View Elementary School as a “public” use.

Chairman Thompson then invited comments/questions from the general public which included the following:

Dale DeGross - 1016 144<sup>th</sup> Street East (Burnsville). Mr. DeGross raised questions related to future street access to his property located south of County Road 2 and east of France Avenue.

John Parker - Coldwell Banker. Representing the DeGross property, Mr. Parker raised question regarding the long-term use of the Elko Speedway property.

In response to received Planning Commission input (on the draft 2040 Land Use Plan), Planner Kirmis advised the Commission that the Plan will be refined and considered for more detailed review, along with the draft Land Use Plan text, at the forthcoming December Planning Commission meeting.

## 9. MISCELLANEOUS

**A. City Staff / Consultant Updates.** City Administrator Terry advised the Planning Commission that updates on various City projects are provided in Planning Commission meeting packet (in Renee Christianson’s memorandum dated November 2, 2017).

In response to Planning Commission inquiries, more detailed updates on the following projects were provided by City Administrator Terry and City Engineer Revering:

- Crown Cottage
- Christmas Pines
- Pete's Hill residential subdivision
- Barsness Project
- County Road 2/County Road 91 roundabout

**B. Planning Commission Questions and Comments.** There were no Planning Commission questions and comments.

**C. All-Terrain Vehicle (ATV) Regulations.** Planning Commissioner Smith raised question regarding City regulations which pertain to the use of ATV's and similar vehicles (i.e. golf carts) in the City. Smith indicated that he feels that the use of such vehicles in the City would be an economical means to run errands.

City Administrator Terry indicated that Staff will investigate the issue and obtain specific input for the Chief of Police.

## **10. ADJOURNMENT**

A motion was made by Smith and seconded by Vetter to adjourn the meeting at 9:11 p.m. Vote for: Thompson, Smith, Kruckman and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

Submitted by:

Thomas Terry  
City Administrator