

MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
April 28, 2020
7:00 PM

At the start of the meeting, Community Development Specialist Christianson read the following statement into the record: The City has determined it is not practical or prudent to conduct an in-person Planning Commission meeting due to the local state of emergency and social distancing guidelines implemented by Governor Walz. Accordingly, this meeting will be an electronic meeting and conducted under Minnesota Statutes section 13D.021. To the extent practical, members of the public may attend the meeting by utilizing the published link and call in information.

Christianson also stated that due to the electronic meeting format, the meeting would be largely led by City staff, as opposed to being led by the Chair, which is typical. She read allowed the meeting protocol as follows:

- The host will keep all participants muted until the public hearings are opened.
- The Planning Commission will not be muted.
- Staff will specifically solicit question or comments from the Commission and public at various points during each item. Please hold questions and comments until requested.
- If you wish to speak, please “Raise Your Hand” virtually.
- Staff will individually recognize those wishing to speak, and will invite you to speak and unmute your microphone. If you are not being recognized, provide an obvious visual indicator such as raising your hand or waving at the camera. Or, send an email to the Community Development Specialist at rchristianson@ci.enm.mn.us
- Your microphone will be re-muted after you have spoken.
- All votes will be by roll, called by Staff.

She explained for audience members participating in the meeting how to “raise their hand” to participate in the meeting on a PC, on a phone or tablet, or if one dialed in by phone. Introductions of the City’s Planning Commission, and City staff were made.

1. CALL TO ORDER

Commissioner Smith called the meeting of the Elko New Market Planning Commission to order at 7:08 p.m.

Commission members present: Smith, Humphrey, Kruckman, Hanson, Schuenke, and Ex-officio member Anderson

Members absent and excused: None

Staff Present: City Administrator Tom Terry, Community Development Specialist Renee Christianson, Planner Haley Sevening, City Engineer Rich Revering

2. PLEDGE OF ALLEGIANCE

Chairman Smith led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

A motion was made by Kruckman and seconded by Humphrey to approve the agenda as submitted. Motion carried: (5-0).

4. APPOINTMENT OF CHAIR AND VICE-CHAIR

Christianson noted that the City Code requires that a Chair and Vice-Chair be appointed annually at the regular April meeting of the Planning Commission. Commissioners Humphrey and Kruckman both expressed an interest in being Chair of the Planning Commission for the upcoming year. It was moved by Hanson and seconded by Schuenke to appoint Kruckman as Chair for the upcoming year.

By Roll Call Vote:

- Commissioner Hanson - Aye
- Commissioner Humphrey – Nay
- Commissioner Kruckman – Aye
- Commissioner Schuenke – Aye
- Commissioner Smith - Nay

Motion carried: (3-2)

It was moved by Kruckman and seconded by Smith to appoint Humphrey as Vice-Chair for the upcoming year.

By Roll Call Vote:

- Commissioner Hanson - Aye
- Commissioner Humphrey – Aye
- Commissioner Kruckman – Aye
- Commissioner Schuenke – Aye
- Commissioner Smith - Aye

Motion carried: (5-0)

5. PUBLIC COMMENT

There was no public comment.

6. ANNOUNCEMENTS

A. Christianson introduced newly appointed Commissioner Bryce Schuenke who has been appointed by the City Council to a three-year term on the Commission. Schuenke also introduced himself and noted that he worked as a part-time police officer for the City of Elko New Market from 2011 to 2014. He spent five years in law enforcement, three years in management at Target, and is now a real estate agent with ReMax Advantage Plus. He was welcomed to the Commission.

7. APPROVAL OF MINUTES

- A. It was moved by Kruckman and seconded by Hanson to approve the minutes of the January 22, 2020 meeting as submitted.

By Roll Call Vote:

Commissioner Hanson - Aye
Commissioner Humphrey – Aye
Commissioner Kruckman – Aye
Commissioner Schuenke – Aye
Commissioner Smith - Aye

Motion carried: (5-0)

8. PUBLIC HEARINGS

A. Consider Request for Rezoning and Preliminary Plat Approval of Ridgeview Estates – Timbercrest, LLC, applicant

Christianson presented the agenda item, which was a request for rezoning and preliminary plat approval of Ridgeview Estates, containing 29 lots on 9.75 gross acres. Christianson provided a history of the property, including previous concept plans reviewed by the City, and explained that the property was annexed into the City in 2018 when a previous developer was planning to develop the site. Christianson reviewed the 2030 Comprehensive Plan and explained that the property is guided to a Residential Mixed Use land use designation. She explained the purpose of the Residential Mixed Use land use category, to provide for lifecycle and affordable housing located near activity centers and transportation corridors, with 75% of the land area to be single-family detached homes, and 25% of the land area to be attached and multi-family housing. She reviewed the proposed development density of 3.23 units per net acre which is lower than the recommended density, but because other areas have developed at higher densities, the density has balanced throughout the Residential Mixed Use land use category. She stated that single-family development being proposed on the site meets the intent of the guided land use for the area.

She explained that Block 1 is being proposed as R2 zoning and Blocks 2 & 3 are being proposed as R3 zoning. Christianson stated that all proposed lots meet the minimum size and width requirements for the respective zoning districts, and the applicant has demonstrated that the building pads on the proposed lots can meet the minimum front, side, rear and wetland setback requirements. She explained that the applicant was asked to provide additional information regarding the building pad on proposed Lot 4 Block 3 to ensure a home can be constructed within setbacks. This information has been provided to the satisfaction of City staff.

Christianson stated that the developer has indicated that the homes within the development will range from approximately 1,300 to 2,500 square feet and he is aiming for a mid-\$300,000 price range. It was noted that there will be multiple builders within the development. Sixteen of the lots have been designed for walk-out homes, six for look-out homes, and six for full-basement homes. Christianson also reviewed the market values of

the homes in the adjacent Whispering Creek development, stating that based on the assessed value, the average market value is \$242,367 and the median market value is \$239,500.

Reviewed in detail were the landscaping requirements for the development and tree preservation requirements. Christianson explained that the proposed development meets the tree preservation requirements, but that the landscape plan must be amended to meet the requirement that two or more rows of landscape screening be required for the lots adjacent to CSAH 2.

Easement are being proposed as required by City Code. It was noted that a conservation easement is required for the wetland buffer area in Block 3, and a trail easement is being requested by the Parks Commission between Lots 2 & 3 Block 1.

Christianson gave an overview of the proposed water, sanitary sewer, and stormsewer infrastructure within the development, and reviewed the drainage areas pre and post development. She noted that the City is aware of concerns regarding drainage from the subject property inundating back yards in the Whispering Creek development, and that the grading plan proposes to divert all of this drainage into a swale which will lead to a stormwater pond. The wetland on the south side of the property was reviewed, noting that the wetland and required 40' buffer area will be protected by combination of an outlot and conservation easement which will be dedicated to the City.

Christianson reviewed transportation and access issues, stating that the existing residential driveway in to the site must be removed, and that Scott County will not allow access to the development from CSAH 2 due to their adopted access spacing requirements. Access will be provided by the extension of the existing Park Street. All streets in the development will be 28' in width with B618 curbing and a temporary cul-de-sac is required at the west end of proposed Street A.

The final item reviewed was the location of proposed parks and trails within and surrounding the development. Christianson reviewed the Comprehensive Park and Trail Plan adopted by the City, and stated that because of the close proximity of Wagner Park, the Parks Commission is recommending that the City accept cash-in-lieu of land dedication. The location of proposed sidewalks and future trails were also reviewed.

Christianson stated that following a detailed review of the proposed plans and adopted City ordinances, staff is supporting the request for rezoning and preliminary plat approval of the property. Also reviewed were 14 conditions being recommended by staff. She explained that a public hearing would be opened and explained the process for public comment and participation based on the virtual meeting format. Christianson then opened the public hearing at 8:01 p.m. She stated that the City had received formal comments via email prior to the meeting. All comments received by 4:30 p.m. on April 28, 2020 were read into the record as follows:

Jason Grimm, 346 Wagner Way, submitted the following email comments: In regards to the public hearing tomorrow evening surrounding the rezoning of #R1-

2020 and Request for Preliminary Plat approval, I would like a few questions answered or addressed during this meeting. Some Questions I currently have are:

- Are there currently lot size requirements for new builds? Have there been changes in the past to this? These lot sizes are considerably smaller to most in Elko New Market and certainly smaller than the neighboring development and every other development in the past 20 years. Why is this different now? Appears they are really trying to cram more homes into this area than perhaps will allow to stay uniform with the rest of the city.
- What type of homes are proposed for these lots? Due to the small size of the lots how close are these home going to be together? How Close Easements to front and rear of property as well? How tall are the proposed structures for these properties? Any plans and/or examples available?
- Are there any proposed Drainage plans for the proposed plan. What is the plan with addressing water run off?
- Access to neighborhood, Appears there is only currently One access point into this area? Assuming Access from Cty rd. 2 is not permitted by county, what is the plan for traffic? What is the plan for existing roads for access as they are already in need of repair? Plans for repair after developed? For EMS safety (Fire) is there requirements for turnaround or exit?

Jason & Pat Lamont, 245 Park Street, submitted the following email comments:

- We can't make out exactly where the outlet or outlets are going to be in the proposed development plan that was sent to us. We believe it is Park St. If that is the case, we have concerns about the additional traffic coming through a development that is home to many young children so this creates a safety issue for Wagner Park.
- Describe what Residential (R2) and Medium Density Residential (R3) means?
- Also, how will this affect our taxes? Will there be additional police needed? Will sidewalks be needed as a safety for the kids? Where is the construction road going to be? We sure do not want it on Park St so that has to be replaced on our expense. We also do not want to pay for sidewalks that we have done fine without. The people making money off of this development should be responsible for putting money into an escrow account to cover things as mentioned.
- Why the rush? Something this important to your current residents should be dealt with on a face to face meeting not virtually.
- In preparing for this virtual meeting, how many residents of the Wagner First Addition were copied the documents pertaining to the Notice of the Public Hearing for Ridgeview Estates? There seems to be confusion about this matter.

Doyle & Katie Hanson, 361 Park Street, submitted the following email comments:

- While we learn more about the proposed new development, will citizens be able to ask questions by computer or phone during the meeting?
- Why the closure of the access to Hwy 2 when there is already an access point there? I saw on a Facebook message reply from the city that the county only

allows one local street access per quarter mile, but heading east into town on Hwy 2 from Dakota Ave., Todd St. is less than a quarter mile.

- How many additional vehicles per day does the city expect will be traveling on Park St. and Dakota Ave. during construction and when the development is complete and new residents have moved in?
- How are you going to accommodate the extra traffic on Park St. and Dakota Ave, especially if you close down the Hwy 2 access? I think of how fast cars speed up on Knights Rd. when we are attempting to cross the street when we are going for a walk. So many families use Park St. to get to Wagner Park.
- I feel leaving the access to Hwy 2 will better sell the homes that are the end of the development, instead of the cars having to turn down 3 roads they just have to turn into their own development.
- In the reply Facebook message the city claimed that no access to Hwy 2 is a short-term problem, but the property next to the proposed site is owned privately as is the following one and that may continue for many years.
- Why were so few of those affected by the new construction notified with a letter? Only a handful of houses on Park St were notified, no one down Dakota Ave.
- Would the Hwy 2 access be closed during construction? All of the construction vehicles going down Dakota Ave. and Park St. would damage the road, who would pay for that to be fixed?
- Has a consideration been made about keeping the access to Hwy 2 open, from the new development, moving the speed limit signs a quarter mile to the west, and adding a crosswalk.
- That way the new residents to this development can cross Hwy 2 safely to access the local businesses across the road?

Christianson noted that a number of the questions submitted and read into the record were addressed as part of City's staff's presentation. She then called upon City Engineer Rich Revering to address engineering related items. Revering provided explanations regarding the following items:

- The City regularly assesses the condition of streets, and based on the most recent assessments, both Dakota Avenue and Park Street have been identified as in need of a mill and overlay within the next few years, regardless of the proposed development and associated traffic. Both streets are approximately 20 years old. The mill and overlay will extend the pavement life and will delay the need for a full road reconstruction.
- The building and regular traffic associated with twenty-nine homes will not have a significant impact on the surrounding streets.
- The increase in traffic associated with Ridgeview Estates is anticipated to be 300 cars per day or less, which is considered fairly low traffic.

Christianson responded to additional questions as follows:

- There will be additional City services needed to serve the development; the costs of which will be offset by the increased property tax revenue received by the City as a result of the development.

- The City Council does have a goal of providing 24/7 police coverage which is not currently occurring. The Scott County Sheriff's Department provides service when City officers are not available. The City Council is committed to adding additional police officers when the call volume demands it. The proposed twenty-nine lots are not expected to create the call volume that would create the need for an additional police officer at this time.
- Regarding the question of why is the application being rushed through, state law requires Cities to process land use applications within sixty days. The project hearing has already been delayed once due to the Governor's stay-at-home orders. The application cannot be delayed indefinitely as it is unknown when the stay-at-home orders may be lifted.

Planner Sevening then called up on Adam Wolf to address the Commission. Adam Wolf, 138 Dakota Avenue, asked how long the construction of the development was anticipated to take and when the construction would occur. Developer representative Tom Wolter stated that the development construction would take approximately three months to complete and the home construction would take approximately two years to complete. Wolf also asked about the proposed zoning districts and if multi-family housing was proposed. Wolter stated that all the development is proposed for only single-family detached homes, and that his company likes to develop lots that are 65' wide, which allows for a 50' wide building pad, and this is common throughout the Twin Cities. Wolf also asked for confirmation regarding the mill and overlay of existing area streets within the next few years regardless of the development. City Engineer Revering responded, that it is the City's intention to complete the improvement in approximately 2023 regardless of the Ridgeview Estates development. Revering explained the projected traffic from the proposed development, stating that 300 cars per day or less is expected, which is a national average. From a road design standpoint, the additional traffic is not expected to have a significant impact on the adjoining streets.

Sevening then called upon Matt and Aerial Bromelkamp to address the Commission. Matt Bromelkamp, 352 Wagner Way, stated that an additional 300 vehicles per day seems like a lot to a resident living in the adjacent development. Matt also asked if a variance could be requested from Scott County to allow access to the development from CSAH 2. He also asked for clarification on the location of Outlot B, and asked for clarification on timing of construction. Christianson displayed a drawing of the current proposal showing the location of Outlot B located on the southeast side of the site. Christianson explained that pending City Council approval, the developer could start grading in early to mid-summer, and that the developer needs to receive final plat approval from the City Council before infrastructure (sewer, water, stormsewer) can be installed. Developer Tom Wolter stated that there are currently supply chain issues that could affect timing of the development construction. He stated that he does not know a proposed start date yet; it could be as early as mid-summer or as late as spring of 2021. Finally, Christianson stated that it is not possible to obtain a permanent access to CSAH 2. Matt Bromelkamp asked if there was a forum for residents to contact Scott County regarding the access issues; Christianson stated County contact information could be provided to interested parties.

Sevening then called upon Jason and Pat Lamont to address the Commission. Jason Lamont, 245 Park Street, asked who was individually notified of the hearing. He stated that

people living along Dakota Avenue would be affected by the additional 300 vehicles per day but not all received a mailing from the City. Pat Lamont asked about future access points onto CSAH 2. Jason Lamont suggested that the development be delayed until additional access to CSAH 2 could be provided. Christianson explained the process for notification of public hearings and stated the City mails individual notices to only those property owners required under state law, and that public participation is solicited through additional methods such as newspaper ads and social media. Christianson stated that in regards to delaying the development until there is additional access to CSAH 2, the City cannot deny a development application that meets the criteria of adopted City ordinances and long range plans. Pat Lamont asked if the proposed development would help pay for the improvement of Park Street and Dakota Avenue since they will be using the existing streets to access the development. City Engineer Revering explained the City's method for funding roadway improvements, stating that approximately 60% of the cost is paid by the overall community so the lots in the proposed development, through property taxes, will be participating in the improvement cost. Jason Lamont asked when the item would be scheduled before the City Council for final approval. City Administrator Terry stated that the item would be scheduled for consideration by the City Council on May 28th, and noted that the official public hearing is being held before the Planning Commission. He stated that the City Council may choose to take additional comment at the City Council meeting, but asked that anybody wishing to address the City Council regarding the plat inform staff ahead of time so that the mayor is aware of individuals that may want to address the Council.

Sevning then called upon Brian to address the Commission. Brian and Carol Witte, 357 Park Street, asked about the timing of sidewalk construction along Park Street leading to Wagner Park. He also asked if the development would provide a positive impact to the current water and sewer rates of the City. City Engineer Revering responded and stated that additional users on the system will be helpful in sharing the overall costs. He also stated that a sidewalk along Park Street is a future project that the City hopes to complete as opportunities arise, but the sidewalk is not part of the proposed development project. Revering explained that proposed sidewalk would be best located on the north side of Park Street because there are fewer driveways to cross. Brian Witte suggested that the City might want to consider constructing the sidewalk at this time due to the large number of children within the development.

Sevning then called upon Laura Ellingson to address the Commission. Laura Ellingson, 129 Dakota Avenue, stated that she was disappointed she did not receive a mailed notice regarding the proposed development and she did not see anything about the hearing on social media. She suggested that the speed limit on CSAH 2 be changed to 35 mph beginning at Idaho Avenue. City Engineer Revering explained the process for establishing speed limits on streets, stating that speed limits are established by the Commissioner of Transportation based on the results of speed studies determining actual speeds being driven on a roadway. Revering explained that the speed limits on CSAH 2 were established by a speed study that determined the actual speeds being driven and that the City cannot change the speed limits. Ellingson stated for the record that she was notified by a neighbor of the hearing. She stated that she is not opposed to the development but she is concerned that people affected by the development were not individually notified.

Sevening invited Adam Wolf to address the Commission. Adam Wolf, 138 Dakota Avenue, asked if the City would consider speed bumps on area roadways. City Engineer Revering stated that the City would no longer endorse the use of speed bumps because of the maintenance problems and that they have been determined to be ineffective for reducing speeds. The City now endorses alternatives such as narrowing street widths, landscaping, and lighting, to influence speeds.

Sevening made a final call for public comments, and with no further public comments, Christianson closed the public hearing at 9:01 p.m.

The Planning Commission and City staff then offered the following discussion:

- Commissioner Smith stated the he liked that the developer could use the CSAH 2 access to construct the development. He also liked proposed trail connection to the future CSAH 2 trail system and the trail along Park Street, but questioned whether the trail along Park Street should be on the south side or the north side. Revering stated that the trail along Park Street is being proposed as a sidewalk and that he suggested crossing Park Street at a proposed intersection. Smith suggested keeping the sidewalk on the north side of Park Street through the proposed development.
- Commissioner Schuenke asked the zoning and lot sizes in the existing adjacent development and proposed development. Christianson explained the zoning in the existing adjacent development is R1 with minimum 85' lot widths and 12,000 square foot lot sizes. Lots in the proposed development range from 65' to 70' wide, with minimum lot sizes ranging from 7,200 to 8,400 square feet. She explained that the Planning Commission reviewing minimum lot size requirements in 2017 and amended the City Code to allow smaller single-family lots in some areas. Schuenke stated that he liked the transition of lots sizes from the existing development to the new development. Schuenke also stated that he likes the proposed drainage improvements which will benefit the lots in Whispering Creek.
- Chairperson Kruckman asked about the minimum lot sizes and stated that she recalled, when reviewing the plan with a previous developer, that R2 zoning had been discussed. She asked why R3 zoning is now being considered. Christianson stated that the developer submitted the application as proposed, and when staff reviewed the application against the adopted Comprehensive Plan, and reviewed with the City Attorney, it was determined that the property is eligible to be rezoned to R3. The guided land use designation of Residential Mixed Use allows for multi-family development, which would allow for a R3 or R4 zoning. The City Attorney's opinion after reviewing the specific language stated in the Comprehensive Plan is that the property is eligible to be rezoned to R3 zoning. Kruckman stated concern about the possible visual impact between the homes in the two zoning districts, and she also asked about possible future development to the west. Christianson explained that the side setback requirement is the same in the R2 & R3 zoning districts so there will be at least 14' between the homes in both proposed districts. In the R3 district, homes can be 5' closer to the street than in the R2 district, which could have a traffic calming effect. She also explained that along the wetland the developer needs to construct the homes at the 25' front setback to meet the wetland setbacks. In regards to future development to the west, Christianson stated that the

draft 2040 Land Use Plan has the property to the west regulated to Low Density Residential which would not allow for R3 (medium density residential) zoning but would allow for R1 or R2 zoning.

- Commissioner Humphrey stated based on the current Comprehensive Plan, there could be more housing units developed on the subject property. He stated that the development as proposed will help the City meet its housing density requirements.
- Chairperson Kruckman asked about the height of the houses on proposed Block 1, and whether they might tower over the existing homes in the Whispering Creek development. Design Engineer, Eric Fagerberg with James R. Hill, stated the home elevations in Block 1 will be based off the elevation of the proposed street, and that he tried to set the homes as low as possible. Christianson reviewed the proposed grading plan, and pointed out the proposed walkout elevations of the homes and the elevations along the common property lines.
- Kruckman asked if the existing property owners could tie into the proposed drainage swale located along the east side of proposed Block 1. Fagerberg explained that because the swale is higher than the existing homes, they would not be able to utilize the drainage swale but it is intended to capture and divert drainage from the proposed development.
- Chairperson Kruckman asked if the homes in proposed Block 1 would be ramblers or two-story homes. Christianson stated both ramblers and two-story homes would be permitted. Kruckman also asked about the existing home in the development, and whether keeping the home would impact the value of the other homes in the development. Developer Tom Wolter stated that the existing home will be refurbished to look like a new home so it will fit in with the other homes in the new development. He also stated that the proposed home styles will be up to the builders in the development.

Following discussion by the Planning Commission, it was moved by Smith and seconded by Schuenke to recommend approval of the request for rezoning of proposed Block 1 to R2, and proposed Blocks 2 and 3 to R3 as shown in the preliminary plat drawing of Ridgeview Estates, to allow development of single-family lots for the following reasons:

1. The proposed use of the property for residential single residential family homes meets the intent of the guided land use for the area which is Residential Mixed Use.
2. Based on the Comprehensive Plan's land use guidance to Residential Mixed Use, the property is eligible to be rezoned to R2 and R3 zoning.
3. Development of the property as single family residential is compatible with the existing adjacent land uses.

Also included in the motion by Smith and seconded by Schuenke was a recommendation for preliminary plat approval of Ridgeview Estates, containing 29 single-family residential lots for the following reasons:

1. The proposed plat meets the requirements of the City's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance.
2. The proposed lots meet the minimum lot size and width requirements for the respective R2 & R3 zoning districts.

3. The applicant has demonstrated that building pads on the proposed lots can meet the minimum front, side, and rear setback requirements.

And with the following conditions:

1. The applicant must enter into a Developer's Agreement with the City of Elko New Market as a condition of plat approval.
2. Approval is granted in accordance with Ridgeview Estates plan set dated April 16, 2020 containing 12 sheets, and subject to City staff comments as noted on the plan set and dated April 20, 2020; in accordance with the landscaping plan submitted April 22, 2020 containing 3 sheets, and subject to City staff comments noted on the plan set and dated April 23, 2020; and subject to City Engineer comments and conditions as stated in review memorandum dated March 13, 2020, version 3.
3. Lots in proposed Block 4 must meet the required structure-to-wetland setback of 40' for the R3 zoning district.
4. A conservation easement, covering the wetland buffer area in proposed Block 3, shall be granted to the City. The conservation easement may coincide with the drainage and utility easement on the southerly boundary of proposed Block 3.
5. The plans shall be revised to include a Signage and Lighting Plan, meeting the recommendation of the City Engineer. The sign plan must contain the following: a) Type III barricades and Future Street Extension signs at the west ends of Park Street and Street A; b) Wetland buffer sign markers along all lot lines at wetland buffer locations; c) a sign identifying a future trail will be located between proposed Lots 2 and 3 Block 1.
6. A temporary cul-de-sac is required at the west end of Street A. Temporary roadway easements may be required if the temporary cul-de-sac encroached into adjacent lots. The plans shall be revised to depict the required temporary cul-de-sac.
7. A permit will be needed from the MnDNR for any new stormwater outfalls. Pretreatment of stormwater is needed before stormwater is routed to the DNR Protected Wetland.
8. The existing residential driveway on the property shall be removed as a condition of the plat. Any temporary construction access at the existing residential driveway location requires the approval of Scott County. No construction access shall be permitted without an approved access permit through Scott County.
9. The existing well and septic system on the property shall be properly abandoned in accordance with State and County regulations.
10. A park dedication fee is recommended in lieu of land dedication.
11. A future trail location has been identified for the area between proposed Lots 2 & 3, Block 1, which will connect the sidewalk system within the plat to the future trail on the south side of CSAH 2. A public trail easement along this common lot line shall be dedicated to the City.
12. The developer shall contribute financially to the construction of a future trail along the south side of CSAH 2.
13. Curbing within the development must be B618 as required by City Code. The plans shall be amended to depict the B618 curbing.
14. The landscaping plan must be amended to meet the requirement for two or more rows of screening trees, to meet the requirements of Section 11-5-4(B)(1) of the City Code.

And noting that:

1. The applicant has depicted dedication of additional CSAH 2 right-of-way as requested by Scott County.
2. Drainage and utility easements have been provided throughout the plat as required by City Code.

By Roll Call Vote:

Commissioner Hanson – Unavailable during vote

Commissioner Humphrey – Aye

Commissioner Kruckman – Aye

Commissioner Schuenke – Aye

Commissioner Smith - Aye

Motion carried: (4-0)

B. Consider Proposed Zoning Ordinance Amendment – Administration and Enforcement

Planner Sevening presented the agenda item, which was proposed amendments to the City's Zoning Ordinance regarding the process for abatement procedures for public nuisances and enforcement of the zoning ordinance.

Sevening explained that based on the most citywide survey along with the number of complaints being received by City staff, there seems to be changing expectations in the community regarding the condition and maintenance of residential properties. Based on this, staff is planning to complete a citywide inspection and inventory of properties in the community in early May to determine compliance with City codes. Prior to completing the citywide inspection, staff has reviewed the City's ordinances regarding the processes for enforcement. Sevening explained the changes that are being recommended to Section 11-3 of the City code which will shorten and simplify the enforcement procedures and she reviewed the proposed changes.

Sevening explained that a public hearing is required to amend the zoning ordinance. Sevening opened the public hearing for consideration of the zoning ordinance amendments at 9:30 p.m. With no comments from the public, the hearing was closed at 9:31 p.m.

The Commission offered the following comments:

- Humphrey stated that he was very appreciative of simplification of City ordinances, and is supportive of the proposed amendment.

It was then moved by Hanson and seconded by Humphrey to recommend approval of the following:

- Delete Section 11-3-1 (I) of the existing City Code in its entirety
- Add Section 11-3-10 of the City Code containing the following language:

- A. Enforcing officer: This title shall be administered and enforced by the Zoning Administrator in accordance with its terms, who shall not permit any construction, use, or change of use that does not conform to this Title. The City Administrator shall designate the Zoning Administrator. The Zoning Administrator may designate such additional persons as may be necessary or convenient to assist in administering and enforcing this chapter.

- B. Duties of the Zoning Administrator: The Zoning Administrator’s duties shall include the following:
 - 1. Determine that all building permits comply with the terms of this title;
 - 2. Conduct inspections of buildings and uses of land to determine compliance with the terms of this title;
 - 3. Maintain records of all zoning maps, amendments, conditional uses permits, variances, appeals, and other matters regulated by this title;
 - 4. Administer all applications under this title;
 - 5. Institute appropriate enforcement proceedings and actions against violators;
 - 6. Serve as staff advisor to the Planning Commission;
 - 7. Prepare reports and information for the Planning Commission and City Council, and may attend their meetings and participate in their hearings and discussions, but shall not vote on any item before the Planning Commission and City Council; and
 - 8. Perform such other functions as may be necessary to enforce and administer this title.

- C. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this title, the zoning administrator, in addition to other remedies, may institute in the name of the city, any appropriate action or proceeding to prevent, restrain, correct or abate such building structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

By Roll Call Vote:

- Commissioner Hanson - Aye
- Commissioner Humphrey – Aye
- Commissioner Kruckman – Aye
- Commissioner Schuenke – Aye
- Commissioner Smith - Aye

Motion carried: (5-0)

9. GENERAL BUSINESS

A. Consider Grading Permit – R & F Properties

Christianson presented the agenda item, which is a request for grading permit for R & F properties, noting that the exact same permit had been applied for and issued approximately one year ago but the work was never completed. The owner is now reapplying for the exact same permit. She stated the property is currently home to the Elko Speedway and Ryan Contracting and zoned PUD which is a special zoning district that allows for a variety of specific uses. The owner is proposing to bring in fill to level off an area on the property. The area proposed for fill is currently designated as an overflow parking area in the approved PUD, and guided by the City's Comprehensive Plan to future residential uses. A site drawing was displayed showing the location of the proposed fill.

It was moved by Kruckman and seconded by Hanson to recommend approval of grading permit #G1-2020 to the City Council with the following conditions:

1. Approval is based on the grading plan containing 1 sheet, prepared by Probe Engineering, dated 4/10/19 and revised 4/16/19.
2. Approval is based on the Storm Water Pollution Prevention Plan containing 10 sheets, prepared by Probe Engineering, and dated 4/16/19.
3. The applicant shall comply with all recommendations of the City Engineer, and conditions contained in his review memorandum dated April 22, 2019.
4. The applicant shall enter into a Grading Authorization Permit with the City.
5. Fill shall be stockpiled until it can be equally spread over the entire overflow area, so the required overflow parking area is maintained.
6. All access to the site for purposes of filling and grading shall be via France Avenue through the R & F Properties property. No access to the site shall occur on Whispering Hills Lane.
7. Fill shall be leveled and the site shall be fully stabilized by the end of the construction season, 2020.
8. The permit shall be granted for a period not to exceed one-year in length.

And noting the following:

1. The City's Comprehensive Plan depicts a future extension of Whispering Hills Lane, easterly, into the area proposed to be filled to eventually connect with France Avenue / Main Street. Future extension of the roadway will likely require removal or moving of some of the proposed fill at applicant / developer's expense.

Commissioner Schuenke asked what the property has been used for in the past and what the future plans are for the property. Christianson explained that the uses on the site have evolved over time; at one time the area was utilized as a motocross track, and it is currently used for parking of construction equipment for Ryan Contracting and overflow parking for Elko Speedway. Schuenke expressed concern over the use of the area, as at times the area is heavily lit up which causes concern for the residents. Christianson and Terry explained that the overflow parking and construction parking is already permitted by the land use approvals

and that bringing in fill on the site will not change that. Also noted was that the City Engineer has recommended approval of the grading plan.

After discussion there was a roll call vote on the motion:

Commissioner Hanson - Aye
Commissioner Humphrey – Aye
Commissioner Kruckman – Aye
Commissioner Schuenke – Aye
Commissioner Smith - Aye

Motion carried: (5-0)

10. MISCELLANEOUS

A. Tip of the Month – Meeting Conduct on Video

Christianson stated that Planning Commission meetings going forward will be videotaped and posted to the City’s website, so miscellaneous tips regarding meeting conduct on video had been provided to the Planning Commission in a memorandum.

B. Roundabout Update

Scott County has awarded the construction contract for the CSAH 2 & 91 roundabout to local contractor Ryan Contracting. The original construction schedule is being moved up because of the decrease in overall traffic and elimination of school bus traffic through the intersection as a result of the Governor’s stay-at-home orders. The intersection could close as early as May 18th and reopen in late July, all dependent upon weather conditions.

C. Police Department / City Campus Update

The City Council has authorized an addition onto city hall for police department office and garage space. The construction contract has been awarded to Greystone Construction from Shakopee. Information was also provided regarding the City master campus plan, which was adopted by the City in 2008 and used as a guiding document of the City. The plan identifies the area around the current city hall / fire station as the ultimate campus for police, fire, city offices, and possible community center locations.

D. Community Development Updates & Reports

A memorandum containing updates was included in the Planning Commission packet.

E. Planning Commission Questions and Comments

Commissioner Smith asked for additional information regarding the City cost for the roundabout. Additional detailed cost information will be included in the next Planning Commission packet.

Commissioner Smith asked about the delay in construction in Christmas Pines. Administrator Terry stated that the builder indicated there are some supply chain issues occurring, which is causing a delay.

11. ADJOURNMENT

It was moved by Humphrey and seconded by Anderson to adjourn the meeting at 9:56 p.m.

By Roll Call Vote:

Commissioner Hanson - Aye
Commissioner Humphrey – Aye
Commissioner Kruckman – Aye
Commissioner Schuenke – Aye
Commissioner Smith – Aye

Motion carried: (5-0)

Submitted by:



Renee Christianson
Community Development Specialist