

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
APRIL 30, 2024
7:00 PM**

1. CALL TO ORDER

Vice-Chair Hanson called the meeting of the Elko New Market Planning Commission to order at 7:01 p.m.

Commission members present: Hanson, Smith, Pipo, Heimerl, and Ex-Officio Member Anderson

Members absent and excused: Weber

Staff Present: Senior Planner Renee Christianson, Planner Jake Skluzacek, Planner Brandon Malecha, and City Engineer Rich Revering

2. PLEDGE OF ALLEGIANCE

Vice-Chair Hanson led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Vice-Chair Hanson asked if there were any changes to the agenda. Senior Planner, Renee Christianson, informed her that there were no changes.

A motion was made by Smith and seconded by Pipo to approve the agenda as presented.

Motion carried: (4-0).

4. PUBLIC COMMENT

None.

5. ANNOUNCEMENTS

None.

6. APPROVAL OF MINUTES

A. Consider Approval of the February 27, 2024, Meeting Minutes

A motion was made by Pipo and seconded by Smith to approve the minutes of the February 27, 2024, meeting.

Motion carried: (4-0).

7. PUBLIC HEARINGS

A. Parkway Meadows, August Ventures, LLC and Winkler Land Co, LLC, applicants

- **Consider Application for Comprehensive Plan Amendment**
- **Consider Application to Rezone Property from R1 Single Family Residential and Urban Reserve to Planned Unit Development**
- **Consider Application for Preliminary Plat Approval of Parkway Meadows**

Planner, Jake Skluzacek, presented to the Commission on the three applications received for Parkway Meadows. The property is 33.99 gross acres, and a concept plan was reviewed by the Planning Commission and the City Council in 2022. The City has since received applications to consider a Comprehensive Plan Amendment, Rezoning and Preliminary Plat Approval for the property. The proposed development would contain 86 single-family detached lots and 4 Outlots that would be dedicated to the City following final plat approval.

Skluzacek informed the Commission on the surrounding neighborhood conditions. To the south is vacant land guided Town Center and City Hall to the south of that. To the east are large lot rural residential properties 10 acres in size and one vacant property approximately 35 acres in size. To the north is a large lot agricultural property with an active farm to the north of that. To the west is the Whispering Creek North development which is low-density residential.

The property is currently guided to low-density residential north of James Parkway and medium-density residential south of James Parkway. Areas guided for low-density residential will typically be zoned for R1 and R2 zoning in the City. The density range required by the City's Comprehensive Plan for this land guidance is 2.5-5 units per net acre. Areas guided for medium-density residential will typically be zoned R3. The density range for areas guided medium-density residential is 5-10 units per net acre.

The proposed development contains 3.3 units per net acre. Due to this not meeting the density range associated with medium-density as identified south of James Parkway, the applicant has requested to amend the City's 2040 Comprehensive Plan to re-guide the entire property toward a low-density residential land use. Residential detached single-family homes meet the intent of the guided land use for the property.

The property must be rezoned to a zoning district consistent with the purpose and intent of the Comprehensive Plan prior to development. Currently 33.31 acres of the property is zoned UR, Urban Reserve. 0.68 acres is currently zoned Suburban Single-Family Residential. The applicant is requesting the entire property be re-zoned to PUD, Planned Unit Development, zoning.

The intent of PUD zoning can vary. In this situation the intent of PUD zoning would be to provide for variations to the strict application of the land use regulations in the City's Zoning Code to improve site design and operation, while at the same time incorporating

design elements that exceed the City’s standards to offset the effect of any variations, and also to preserve and enhance natural features and open space. This specific PUD is being proposed to allow for a reduction in lot size, lot width, setback requirements, and various design standards within the development. In exchange, the Developer is proposing to exceed the public land dedication requirement by .36 acres. Planner Skluzacek provided examples that have been used in other PUD’s approved by the City to achieve the purpose and intent of a PUD which include:

- Incorporation of a golf course, and a variety of housing design options
- Increased housing design standards
- Public land dedication, exceeding minimum requirements
- Landscaping, over and above minimum requirements
- Construction of multi-use paths, over and above the minimum requirements
- Construction of off-site infrastructure

Section 11-3-8 of the City’s Zoning Code identifies criteria to be considered as part of any request for rezoning. They are as follows:

- The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan
- The proposed use is or will be compatible with present and future land uses of the area
- The proposed use conforms with all performance standards contained in this title (ordinance)
- The proposed use can be accommodated with existing public services and will not overburden the City’s service capacity
- Traffic generation by the proposed use is within capabilities of streets serving the property

Staff find the application for rezoning meets the criteria above following a Comprehensive Plan Amendment to re-guide all portions of the property to low-density residential land use. Skluzacek next displayed the R1 District requirements for minimum lot size, lot width, setbacks, block length, sidewalks and street standards. These were compared with what the applicant has requested for Parkway Meadows as displayed below.

Parkway Meadows PUD (PROPOSED BY DEVELOPER)		
	R1 District Requirement	Requested for Parkway Meadows
Minimum Lot Size	12,000 square feet	7,800 square feet
Minimum Lot Width	85'	65'
Front Setback	30'	25'
Side Setback	10'	7'
Side Corner Setback	25'	20'
Rear Setback	30'	20'
Rear Deck Setback	20'	20'
Wetland Setback	35'	40'
Block Length (12-9-3)	Maximum block length of 1,200'	Northerly most block allowed to be 1,232' in length
Sidewalks (12-9-5-1 (Z))	Required on both sides of minor collector streets	Sidewalk only required on east side of Riley Road, south of James Parkway
Street Standards (12-9-5-1 (A))	<ol style="list-style-type: none"> 1. Provide street extensions to future unsubdivided tracts. 2. Carry new streets to the boundaries of the new subdivision at appropriate locations 	Not extending Riley Road to the boundary of the new subdivision.

For all one- and two-family residences, a 440 square foot attached garage (approximately 20'x22') shall be constructed at the time of the principal structure. For all newly created lots, all site plans for single-family homes shall provide for the location of a three-stall attached garage, whether construction is intended or not.

40% of all significant trees must be preserved on the site. A significant tree is any hardwood deciduous tree 6" or greater in diameter, any softwood deciduous tree 12" or greater in diameter or any coniferous tree 12' in height or greater. The Developer is proposing to exceed the allowable tree removal. 249 caliper inches of trees must be replaced. The Developer is proposing to plant 100 trees to meet the tree replacement obligation. 17 deciduous trees, at minimum 2.5" diameter, and 83 coniferous trees, a minimum of 6' in height or greater. The Developer's submitted replacement plan meets City Code requirements.

In addition to the Developer's obligations, two trees must be planted upon each lot at the time of building permit. These would be the builder's responsibility. The builders will also be required to place sod in the front and side yards of each lot. Rear yards must be seeded, hydroseeded or sodded. These requirements are placed upon the builder at the time of building permit issuance.

Sanitary sewer is available on the west side of the property along James Parkway via an 8" PVC gravity pipe. Additional service is available on the west side of the property along Riley Road via an 8" PVC Gravity Pipe. Plans submitted by the Developer are consistent with the City's 2040 Sanitary Sewer Plan, except that the sanitary sewer must be extended within Riley Road to the north property line of the site. Staff suggest the inclusion of sanitary sewer stubs in Riley Road south of James Parkway to provide service to properties in the future. The submitted sewer plan is subject to City Engineer approval.

Water service is available on the west side of the property along James Parkway via a 12" ductile iron watermain and at the northerly end of Riley Road. Plans submitted are consistent with the City's 2040 Water Plan and show a 12" trunk water main running east/west within James Parkway. The plans also depict a 8" watermain which will serve the remaining development. Staff suggest stubs in Riley Road south of James Parkway to provide service to properties in the future.

A City well is located at the southwest corner of James Parkway and Riley Road. The well is currently considered an emergency well and is not connected to the City's water treatment plant. The City Engineer has requested the inclusion of an additional 12" potable trunk water main running to and through the proposed development. The requested watermain is depicted on the plan set, running east/west within the James Parkway right-of-way. The additional trunk water main will eventually be used by the City to carry raw water from the existing well to the City's water treatment plant. The City will reimburse the Developer for 100% of the cost of this new 12" raw water line. The submitted water plan is subject to City Engineer approval.

The property lies entirely within the Vermillion River Watershed District and is divided into several different sub watersheds. The submitted stormwater plan shows four separate

stormwater basins proposed to serve the development, all basins are located within Outlots proposed to be dedicated to the City. 10' wide vegetative buffers are required from the High-Water Line around all stormwater ponds. Basin 301's buffer must be expanded. The Stormwater Plan is subject to City Engineer approval.

A wetland delineation has been completed and concurrence with the delineated boundaries was approved by the City on January 6, 2021. Two wetlands have been identified on the property that must be protected in accordance with the Wetland Conservation Act, Clean Water Act and City Code. The required buffer for the two wetlands within the development average 25' with a minimum of 16'. Buffer sign markers are required along all lot lines that abut buffer locations. No FEMA designated or DNR Protected Waters or Wetlands have been identified on the property.

The proposed development borders on two existing public streets, James Parkway and Riley Road. Both streets are located to the west of the subject property. The City's Transportation Plan depicts a future road corridor, James Parkway, running east/west through the subject property. A street extending south, Riley Road, along the west side of the property. Also, a street running north/south along the east side of the property. All three streets are identified as minor collector streets in the City's 2040 Transportation Plan.

The purpose of minor collector streets is typically to provide a balance of mobility and land-use access. They serve trips that are entirely located within the City and connect neighborhoods and smaller commercial areas to the arterial road network. Minor collectors are shorter in length, have lower volumes and lower speeds than major collectors. The City's currently adopted street section for a minor collector is 80' of right-of-way, 32' wide road, and two 5' sidewalks. The expanded right-of-way allows for future expansion of the road if needed.

The segment of James Parkway located east of Dakota Avenue was constructed between 2000 and 2002. The segment west of Dakota Avenue was constructed in 2005. The adjacent properties are primarily residential. James Parkway serves as the primary access to Eagleview Elementary School to the west of Dakota Avenue. 2019 traffic volumes for James Parkway located east of Dakota Avenue were approximately 700 AADT. Plans submitted by the applicant show the easterly extension of James Parkway through the subject property with an 80' right-of-way, 32' wide street with sidewalks on both sides. This meets the City standards for minor collector streets. Skluzacek noted that James Parkway will get narrower through the proposed development compared to the existing development to the west. This is due to changes in the City's standards since the creation of the last segment of James Parkway in 2005.

Plans submitted by the applicant show the southerly extension of Riley Road approximately 100' south of the current termini. The plans show a 34' wide road within an 80' right-of-way with sidewalk on only the east side. The proposed design meets the standard design for a minor collector street with the exception of sidewalk on the west side of the street in addition to the east side. Staff recommend that Riley Road, south of James Parkway, must be constructed to the southern boundary of the plat, pursuant to City Code Section 12-9-5-1 which states, "The arrangement of streets in a new subdivision shall make provisions for the

proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations approved by the City Engineer.”

The plans submitted do not depict a north/south minor collector street on the east side of the plat as identified in the City’s Transportation Plan. Staff recommend that this road could be constructed further to the east and constructed entirely within the property to the east when it may develop. The Planning Commission and the City Council supported this concept during review of the concept plan in 2022.

Local streets serve access to properties entirely within neighborhoods. Streets A, B, C, and a short section of Riley Road are local roads depicted on the proposed plat. Local streets must be a minimum of 28’ in width with B618 curbing, within a 60’ right-of-way. Sidewalks are required on one side of all local roads. The plans submitted meet the minimum design standards for local roads. Additional high-level comments regarding streets are as follows:

- Future road extension signs are required where streets end and stub into an adjacent property
- City Code requires temporary cul-de-sacs be constructed where dead-end streets exceed 150’ in length. Streets A, B and C all exceed 150’ in length and temporary cul-de-sacs have been proposed
- Temporary cul-de-sacs should be oriented such that they only impact one lot and that they be constructed with curb and gutter. The preferred rotation must be away from the side with the sidewalk. The cul-de-sac can be a reduced size from the permanent cul-de-sac dimensions with final configuration subject to City Engineer and Public Works approval
- All boulevards shall be sodded by the developer, per City Code
- Concrete driveway aprons shall be constructed from the back of the curb to the property line, per City Code

Ingress and egress from the proposed development will be confined to the existing segment of James Parkway until future street connections are provided to the east to County Road 91 and to the south of County Road 2. From James Parkway, traffic will likely be distributed to County Road 2 via Todd Street and Dakota Avenue. 2019 traffic volumes for James Parkway located west of the proposed development were approximately 700 vehicles per day. The proposed single family detached housing development is anticipated to generate 878 total daily trips to the roadway network; with 65 trips in the A.M peak hour and 86 trips in the P.M peak hour. Data is based on 86 dwelling units.

Skruzacek noted that residents of the Whispering Creek neighborhood located to the west may have concerns regarding the additional traffic on James Parkway. From an engineering perspective, the existing road has the capacity to handle additional traffic. It is noted that any such increase in traffic will be temporary, until future road connections are made via other routes. Concerns may also be expressed regarding impacts to the Todd Street and County Road 2 intersection or the Dakota Avenue and County Road 2 intersection. Staff have no knowledge of major operational issues at these existing intersections which are causing unacceptable Levels of Service.

It was explained that the City's Traffic Engineers have reviewed the proposed development along with existing traffic volumes on James Parkway, Todd Street, and Dakota Avenue. It is their opinion that the additional traffic as a result of the proposed development will not affect James Parkway, the Todd Street/County Road 2 intersection or the Dakota Avenue/County Road 2 intersection beyond the capabilities of those streets and intersections nor reduce the traffic operations to unacceptable Levels of Service. They have also opined that the amount of traffic generated from the development is unlikely to trigger warrants for signalization or otherwise improved intersection traffic control along County Road 2. Based on consultation with the City's Traffic Engineer, Staff are not recommending the completion of a Traffic Impact Study for the proposed development.

The City's Park and Trail Plan identifies proposed sidewalks running east/west through the subject property, north/south along the far eastern boundary of the proposed development and north/south along the western edge of the proposed development. Based on City Code requirements, sidewalk/trail requirements for the development are as follows:

- Construct a 5' sidewalk adjacent to all local streets (Streets A, B, C, and Riley Road north of James Parkway)
- Construct 5' sidewalks on both sides of minor collector streets (James Parkway and Riley Road south of James Parkway)

The City's Subdivision Ordinance requires 8% of a development's land be dedicated for parks, playgrounds, public open spaces or trails. The developer may also make a cash-in-lieu contribution to the City's Park and Trail Fund roughly related to the anticipated effect of the plat on the City's Park and Trail System. The plat contains 33.09 net acres; land dedication required for the plat would be 2.65 acres. If no land dedication is required, the park fee is 8% of the fair market land value of the property.

Skruzacek displayed an image of the Public Facilities Master Plan that was completed in 2008. Part of the proposed development lies within part of the plan identified for a potential future municipal campus. Therefore, Staff have recommended taking public land dedication in-lieu of cash dedication and Staff recommend the public land dedication be located within the area included in the Public Facilities Master Plan.

Miscellaneous comments regarding lot and block design are as follows:

- The maximum length of blocks shall be 1,200' and the minimum length shall be 600'
- Blocks over 900' in length may require pedestrian ways at least 20' wide. The use of additional pedestrian ways to schools, parks and other destinations may be required. The northerly most block of the proposed development exceeds 1,200' in length at 1,232'
- The applicant is requesting that the northerly most block be allowed to exceed 1,200' in length due to the landforms to the north (steep slopes and wetlands)
- The minimum lot area shall consist of buildable land exclusive of wetlands, utility transmission easements and pipeline easements that encumber lot development

Skruzacek read aloud additional comments from City Staff including the Public Works Director, Police Chief, Fire Chief, Building Official, City Attorney and the City Engineer. Their comments have been incorporated into Skruzacek's presentation and memorandum.

The proposed plat contains a remnant strip on the west side of Riley Road, proposed as Outlot D and is .0657 acres. The Subdivision Ordinance prohibits the creation of such strips which may control access to streets from adjacent properties, except under conditions approved by the City Council. Staff notes that the adjacent property owner to the west, Winkler Land Co. LLC, is also a party to the current application. Staff recommend that proposed Outlot D be conveyed to the adjacent property owner, Winkler Land Co. LLC, or dedicated to the City as part of the Riley Road right-of-way.

Skruzacek explained that Staff recommend approval of the request to amend the City's 2040 Comprehensive Plan, to re-guide approximately 17 acres from Medium Density Residential to Low Density Residential for the following reason:

- The proposed re-guidance of approximately 17 acres from Medium Density Residential to Low Density Residential will not have a serious or negative effect on the overall planned land uses with the 2040 growth area and will help achieve the housing goals contained within the City's Comprehensive Plan

Regarding the request for rezoning, Skruzacek explained that Staff recommend approval of the request to re-zone 33.31 acres from UR, Urban Reserve, to PUD, Planned Unit Development and the request to re-zone .68 acres from R1, Suburban Single-Family Residential, to PUD, Planned Unit Development for the following reasons:

- Re-zoning the property to PUD, Planned Unit Development, with R1 underlying zoning is consistent with the City's Comprehensive Plan which guides the property to Low Density Residential
- The proposed use of the property for single-family residential development is compatible with present and future uses of the area
- The proposed use of the property complies with performance standards contained in the City's Zoning and Subdivision Ordinances, except as specifically identified in the PUD Ordinance for the Parkway Meadows development
- The proposed residential use of the property can be accommodated with existing public services and will not overburden the City's service capacity
- Traffic generation by the proposed development is within the capabilities of the existing streets and intersections serving the property

Skruzacek explained that Parkway Meadows should be subject to the R1 Suburban Single-Family Residential District, except as depicted in the table below.

Parkway Meadows PUD (PROPOSED BY DEVELOPER)		
	R1 District Requirement	Requested for Parkway Meadows
Minimum Lot Size	12,000 square feet	7,800 square feet
Minimum Lot Width	85'	65'
Front Setback	30'	25'
Side Setback	10'	7'
Side Corner Setback	25'	20'
Rear Setback	30'	20'
Rear Deck Setback	20'	20'
Wetland Setback	35'	40'
Block Length (12-9-3)	Maximum block length of 1,200'	Northerly most block allowed to be 1,232' in length
Sidewalks (12-9-5-1 (Z))	Required on both sides of minor collector streets	Sidewalk only required on east side of Riley Road, south of James Parkway
Street Standards (12-9-5-1 (A))	<ol style="list-style-type: none"> 1. Provide street extensions to future unsubdivided tracts. 2. Carry new streets to the boundaries of the new subdivision at appropriate locations 	Not extending Riley Road to the boundary of the new subdivision.

He explained that the rezoning should be subject to the following criteria:

1. The plat shall be developed in accordance with the following plans, subject to conditions as contained in the 4/30/24 Planning Commission report, conditions noted on the redlined plans dated 4/30/24, and subject to recommendations of the City Engineer as contained in the memorandum dated 4/15/24:
 - Parkway Meadows Preliminary Plat prepared by Pioneer Engineering and dated 4/5/24 and containing the following 25 sheets:
 - Existing Conditions and Resource Inventory
 - Preliminary Plat and Preliminary Site Plan
 - Preliminary Grading Plan, Erosion Control Plan, Seeding Plan and Grading Details
 - Preliminary Sanitary Sewer and Watermain Plan
 - Preliminary Storm Sewer Plan
 - Preliminary Street Plan and Profiles
 - Landscape Plan
 - Tree Preservation Plan
 - Storm Water Management Plan prepared by Pioneer Engineering, dated 4/3/24 and containing 350 sheets
2. The PUD must be maintained and comply with the following conditions:
 - Riley Road shall be constructed to the southerly property line of the plat
 - Outlots A and B containing wetlands and stormwater ponds shall be dedicated to the City
 - Outlot D shall be conveyed to the adjacent property owner, Winkler Land Co, LLC, or be incorporated into the Riley Road right-of-way
 - Outlot C containing 4.2 gross acres, 1.19 acres of stormwater pond and 3.01 acres of public land dedication, shall be dedication to the City,
 - or,

- Outlot C containing 4.78 acres, 1.19 acres of stormwater pond and 3.59 acres of public land dedication shall be dedicated to the City (incorporated proposed Lots 55, 56 and 57 into the public land dedication)

In regard to the request for preliminary plat approval, Skluzacek explained that Staff recommend approval of the request for preliminary plat approval of Parkway Meadows, containing 86 single-family residential lots and 4 Outlots on 33.99 gross acres for the following reasons:

- Development of the property for single-family residential homes is consistent with the guided land use for the property as contained in the City's 2040 Comprehensive Plan
- The proposed plat is consistent with the purpose and intent of the City's 2040 Comprehensive Plan and the standards contained in the City's Zoning and Subdivision Ordinances
- Development of the property as single-family residential is compatible with the adjacent land uses

The with the following conditions:

1. The Developer must enter into a Developer's Agreement with the City of Elko New Market at the time of final plat approval
2. The preliminary plat is issued for a period of one year and shall become null and void without further action from the Planning Commission or the City Council unless the final plat is filed within one year of the date of the City Council granting preliminary plat approval
3. Preliminary plat approval is granted in accordance with the Parkway Meadows Preliminary Plat plans prepared by Pioneer Engineering and dated 4/5/24, and containing 24 sheets, and the Storm Water Management Plan prepared by Pioneer Engineering, dated 4/3/24 and containing 350 sheets
4. Preliminary plat approval is subject to the conditions contained in the 4/30/24 Planning Commission report, conditions noted on the redlined plans dated 4/30/24, and subject to the recommendations of the City Engineer as contained in the memorandum dated 4/15/24
5. The plans shall be amended to depict the required 10' wide vegetative buffer from high-water level of all stormwater ponds, and to show the stormwater ponds and buffers in Outlots to be dedicated to the City
6. Sanitary sewer shall be extended to the north end of Riley Road
7. "Future Road Extension" signs must be placed at the ends of Streets A, B, C, Riley Road and James Parkway
8. Wetland buffer sign markers are required along all lot lines at wetland buffer locations
9. Proposed Outlot D must be conveyed to the adjacent property owner, Winkler Land Co. LLC, or be incorporated into the Riley Road right-of-way
10. Concrete driveway aprons shall be constructed from the curb to the property line
11. All boulevards shall be sodded by the Developer
12. Riley Road shall be constructed to the southerly property line of the plat

13. Proposed Lots 55, 55 and 57 shall be incorporated into the proposed park land dedication

And noting that:

1. The preliminary plat contains 86 lots on 26.03 net acres (3.3 units per net acre) meeting the preferred density identified in the City's Comprehensive Plan
2. The Parks Commission has recommended public land dedication in-lieu of cash dedication for Parkway Meadows

He noted that further feedback is being sought from the Planning Commission and City Council in regard to Conditions 12 and 13.

Skluzacek explained to the Commission that a public hearing is required for these items. Notices were published and mailed to affected property owners. Skluzacek explained the rules for those wishing to address the Commission via Zoom as well as those in person who were in attendance. Skluzacek stated that the Planning Commission is being asked to make a recommendation to the City Council regarding the applications.

Vice-Chair Hanson opened the public hearing at 7:36 PM.

Steve Nightengale, 502 Riley Road, was present to provide public comment. Nightengale stated that he lived directly across the street from the existing park and the proposed development. Nightengale stated that he did not have any questions and was all for increasing the population and developing the City to help bring in business. Nightengale mentioned that he has been a resident since 2008. Nightengale's only concern with the development was that it is landlocked for the foreseeable future. There are currently 4 dead end roads with approximately 119 residents from Todd Street to the east and this would add 86 more families driving the same way out. Nightengale stated that he knew the roads could handle the traffic, but he wished there was another exit for this development.

Nightengale was also concerned about children trying to access the park across from his house. Currently they need to cross the street to access the sidewalk and Nightengale had concerns about the increase in traffic at that location. Nightengale thanked the Commission for allowing him to speak. Vice-Chair thanked Nightengale for his comments.

Renie Benson, 25678 Natchez Avenue, was present to provide public comment. Benson stated that she lived directly to the east of this proposal. Benson had concerns about the density of the proposed development due to the horses that she has on her property. Benson asked if the development could be required to install a fence or some other type of buffer between the development and her property to prevent trespassing.

Benson also had concerns about how the topography of the area would be changed. Benson stated that the property being discussed is very low and flooding is common. Benson was concerned that there may be an increase of run-off onto her property from the development. Benson stated that she had bought property here because she did not think it would develop

so fast and that the City is basically pushing her and her neighbor to the north out and she takes objection to that.

Dale Runkle, 19166 Randale Ct. Lakeville, was present to provide public comment. Runkle stated that he was a real estate planning consultant for the Barsness Family. Before Warren Barsness had passed away, he assigned Runkle to take care of his property in the City. Runkle had a question on the public land dedication for the property and its accesses. Runkle had concerns with the southern boundary of the subject property that intersects with the Barsness property.

In previous concepts there was an east/west road depicted along the southern property line abutting the Barsness parcel. That has since been replaced by two north/south streets with temporary cul-de-sacs at the southern boundary of the property. Runkle had concerns that the Barsness property to the south would be hampered by this design. Runkle indicated that he was working with a developer to potentially move forward with development of the property and wished to ensure that the two plans were compatible from an access and transportation standpoint. Runkle requested that the Commission table any decisions on recommendations until he has had time to work with the applicants on the connections between the two developments.

Joe Sullivan, 66408 Shady Oak Eden Prairie, was present to provide public comment. Sullivan stated that he was the applicant and appreciated the Commission's time and consideration. Sullivan thanked Staff for the work they had done in getting him to this point. It has been an enjoyable process and started nearly two years ago with a well-received concept plan.

Sullivan stated that the purpose of the PUD process is to bridge two different underlying residential zoning districts. Sullivan has tried to balance the differences by doing primarily 65' wide lots. The goal is to attract new families and residents to the City of Elko New Market. Sullivan mentioned that he and his associates were present to help answer any questions that may arise from the public hearing. Sullivan added that he would be willing to take another look at a southerly east/west street through the development bordering the Barsness property. Sullivan thanked the Commission.

Tim Zweber, 25420 Natchez Avenue, was present to provide public comment. Zweber stated that he lived in the north agricultural part of the proposed development and had a couple of concerns about stormwater routing. Zweber also mentioned he shared the concerns of his neighbor regarding buffer areas to prevent trespassing and wished to know how that would be handled since he would have a lot of neighbors and does not intend to talk to each one of them about installing a fence. Zweber thanked the Commission.

Amy Carse, 255 Park Street, was present to provide public comment. Carse stated that she Wayne Barsness was her father, and that Warren Barsness was her uncle. Carse mentioned that Runkle had been working with them for years trying to develop the property and that it was unfortunate that the property to the north was developing after they had passed away. Carse mentioned that it would be nice to have more time to decide on what to do since they

are new to these discussions. Carse thanked the Commission. Vice-Chair Hanson thanked Carse for her comments.

Hearing no more public comment, Vice-Chair Hanson closed the public hearing at 7:52 PM.

Christianson informed the Commission and those in attendance that both the City Engineer and the Design Engineer were present to answer questions relating to the stormwater concerns brought up during the public hearing.

City Engineer, Rich Revering, stated that City Code is set up to require developers to maintain existing drainage patterns and not to increase runoff rates, volume and also to maintain the quality of water better than or the same as it is today. Every developer will need to address these issues by providing facilities that specifically address the issues mentioned. Revering believes that the plans submitted satisfactorily address stormwater concerns. Revering stated that one of his comments on the plans was that one of the drainage ponds was larger than necessary. Revering does not expect much of a difference in stormwater runoff for neighboring properties before and after potential development of Parkway Meadows. Discussion took place on enforcement mechanisms the City has in the event that plans are not followed as presented.

Commissioner Smith had a comment on the abundance of sidewalks and had concerns that they would not match up with what is currently along James Parkway. Christianson replied that the standards have changed over time and now the City requires sidewalks on both sides of minor collectors and in the past only one sidewalk was required along minor collectors. Discussion took place on the northerly block of the development. Christianson displayed the difficulties extending streets to the north of the property that are not depicted on the plans.

Commissioner Pipo had concerns with Streets A and C on the proposed development and how they may negatively impact the Barsness property to the south. Christianson stated that Streets A and C would connect to the Barsness property allowing that property access. Discussion took place on a southerly east/west street and how it would affect proposed lots in the area.

Commissioner Hanson stated that recently Minnesota Housing issued a recent housing report detailing a shortage of 106,000 housing units. Commissioner Hanson appreciated the smaller lots in the proposed development as there is a need for that type of housing within the community. Hanson was also concerned with the street connectivity between the Barsness property. Hanson asked the developer if this would be a phased buildout to potentially allow more time for alignment with the Barsness property. Joe Sullivan responded that it would likely be a two or three phase buildout.

Commissioner Pipo mentioned that if he was in the market for a home, he would be looking for something with a large yard to provide more bang for his buck. Pipo had concerns that 65' lots may be too narrow. Commissioner Smith asked if these lots would be constructed for a three-stall garage. Christianson informed him that yes that they would likely be built with three-stall garages but would ultimately need to allow room for a third stall if only two were constructed to begin with.

Commissioner Hanson was in favor of the plan and smaller lots. Hanson believed it provided the opportunity for more housing. Hanson restated her concerns about connectivity between the property to the south. Hanson encouraged tabling the items until next month to allow the property owners more time to discuss plans. Hanson was also supportive of the option to include Lots 55, 56 and 57 into the public land dedication in exchange for the developer's request for PUD zoning. Commissioner Smith agreed with Hanson's opinion.

Joe Sullivan addressed the Commission by stating that he can appreciate the horse trading that happens when discussing PUD's. Sullivan reminded the Commission that at one time the City was considering this size of a lot to be a permitted use within its residential zoning. Since then, the City has not made any progress regarding amendments to the Code that allow for these smaller lots by right. So rather than waiting, Sullivan decided the best approach was a PUD which was a balance between R1 and R3 zoning districts. Sullivan mentioned that each lot taken out of the development increases the prices for lots in the rest of the development. Christianson concurred with Sullivan's statements.

A motion was made by Smith and seconded by Hanson to table the public hearing and applications to give the Developer more time to consult with the property owner to the south regarding the affect the proposed development will have on their property.

Motion carried: (4-0).

B. R & F Properties applicant

- **Consider Application for Comprehensive Plan Amendment**
- **Consider Application to Amend Zoning Ordinance to Create Mixed Use Zoning District**
- **Consider Application to Rezone Property from Planned Unit Development to Mixed Use**

Senior Planner, Renee Christianson, presented to the Commission on the R & F Properties applications. R & F Properties, LLC owns approximately 155 acres of land east of CSAH 91, west of France Avenue, south of CSAH 2 and north of Whispering Hills. The property owner has been in discussions with the Planning Commission and the City council regarding the long-term highest and best use of the property. The property includes Elko Speedway, the drive-in theater and Ryan Contracting sites. The property owner has expressed interest in a potential multi-family and or mixed-use development north of Market Place Boulevard. The property owner has also expressed interest in a potential long-term redevelopment of the Elko Speedway, drive-in theater and Ryan Contracting sites for residential development.

The concept has been discussed with both the Planning Commission and the City Council on multiple occasions to gauge support for the concepts. On February 27, the Planning Commission provided feedback regarding the future land use concepts presented by the property owner. On March 14, the City Council provided feedback regarding the future land use concepts presented by the property owner.

The applications received request to:

1. Amend the City's 2040 Comprehensive Plan by creating a new mixed-use land use category within the Land Use Chapter of the Comprehensive Plan
2. Amend the City 2040 Comprehensive Plan by changing the guided land use designations on properties as follows:
 - a. Re-guide approximately 33 gross acres from Medium Density to Low Density Residential
 - b. Re-guide approximately 85 gross acres from Commercial to Low Density Residential
 - c. Re-guide approximately 8 gross acres from Commercial to Medium Density Residential
 - d. Re-guide approximately 3.3 gross acres from Commercial to Mixed-Use
3. Request to amend the City's Zoning Ordinance by creating a new Mixed-Use zoning district
4. Request to re-zone approximately 3.3 gross acres from PUD, Planned Unit Development, to Mixed-Use

On March 14, the City Council expressed preliminary support for the following concept:

1. A high-density residential site north of Market Place Boulevard
2. A mixed-use site north of Market Place Boulevard
3. Low and medium density residential south of Market Place Boulevard

Based on final recommendation from the City Council, Staff have prepared a full revision to Chapter 6, Land Use, of the Comprehensive Plan. This revision adds a new mixed-use land use classification which allows the option for residential above the main floor of a commercial building. For projects containing a residential component, density of 8 to 30 units per acre is proposed. The revision would also re-guide R & F Properties property to new land uses.

Christianson brought up several examples of uses within a mixed-use district. These examples included single tenant commercial buildings and mixed-use building with apartments above the first floor of commercial.

Christianson also explained the adjacent and affected jurisdictions review. The following jurisdictions had no comment and waived their right to further review:

- Lakeville School District
- New Market Township
- Scott County Planning Department
- Scott County Highway Department
- Scott County Parks Department

The Vermillion River Watershed District recommended investigating soil contamination on the Elko Speedway property upon redevelopment. The Minnesota Department of Natural Resources recommends that the City adopt a Shoreland Ordinance for the portions of property that abut DNR protected waters.

A new zoning district is being proposed. Within the City's Zoning Ordinance. Staff have prepared amendments that create a new B7 Mixed-Use zoning district. The B7 Mixed-Use zoning district will be an exact replica of the B5, General Business, zoning district with a few additions to allow for residential-related uses. Residential dwellings which do not occupy the ground floor space of a building have been added as an allowable use. Residential related uses such as home occupations, in-home daycares and keeping of animals would also be considered allowable uses in this zoning district.

Staff are recommending additional changes as follows:

- Chapter 5 – Building and Site Design Standards
- Chapter 7 – Landscaping Requirements
- Chapter 12 – Signs
- Chapter 24 – Zoning Districts, Map and Land Use Table
- Chapter 26 – Business Districts

Christianson stated that the Planning Commission was being asked to provide feedback on the following:

Open Space – Does the Planning Commission want to include a requirement for open space for project residents? Standards contained in other districts include:

- R4 District – 10% usable open space requirement
- R5 district – No usable open space requirement
- B2 District – No usable open space requirement

Building Height – Does the Planning Commission support a maximum building height of 35'? Standards contained in other districts include:

- B5 District – 35'
- R4 District – 35'
- R5 District – 45'

Residential Use Above Main Floor as a Permitted or Conditional Use – Does the Planning Commission support requiring a conditional use permit or believe that residential uses above the main floor be considered a permitted use within the B7 District? Standards contained in other districts include:

- R4 District – Apartments are a permitted use
- R5 District – Multi-family dwellings are a permitted use
- R5 District – Mixing of residential and commercial uses in one building requires a conditional use permit
- B2 district – Apartments above ground floor commercial are a permitted use

The applicant had initially requested to re-zone a portion of the commercial area to mixed-use. Following discussion with the City Council and the applicant, it was determined that there was support for R4 zoning on the southwest portion of the property and for mixed-use zoning on the southeast portion of the property. Re-zoning will ensure consistency with the updated Comprehensive Plan.

The Planning Commission was informed by Christianson that these applications require a public hearing. Following the public hearing, the Planning Commission will be asked to provide recommendations to the City Council regarding the following items:

- Request to amend Chapter 6 of the City’s 2040 Comprehensive Plan, Land Use, in its entirety, which includes:
 - Creation of a new Mixed-Use Business and Residential Land Use Category
 - Re-guidance of land uses on property owned by R & F Properties, LLC and Thomas Ryan
- Request to amend the City’s Zoning Ordinance by creating a new B7 Mixed-Use Business Zoning District, and associated amendments to Chapters 5,7, 12, 24 and 26.
- Request to Re-Zone
 - Approximately 1.8 acres from PUD to R4
 - Approximately 1.75 acres from PUD to Mixed-Use

Vice-Chair Hanson opened the public hearing at 8:40 PM.

Tom Ryan, applicant, was present to provide comments. Ryan stated that this concept is the same basic concept that has already appeared in front of the Planning Commission several times now.

Ryan stated that there were two main issues in front of the development. One is re-zoning of the Speedway property from commercial to residential use. Ryan reinforced that the Speedway is currently viable, and he intends to run it as a Speedway so long as it is a viable business venture. Ryan does not believe the status of the Speedway will change for years. If there was not a Speedway at the property, Ryan believes the highest and best use of the site would be residential due to the surrounding landscape.

Ryan stated that he was fine with the Planning Commission’s previous recommendation to replace the single-family attached housing with entirely single-family detached housing. Ryan personally did not have a preference and stated he was fine with whatever the Planning Commission and City Council decide.

The second issue Ryan wished to discuss was the approximately 4.5 acres north of Market Place Boulevard and south of the Post Office. Ryan has been marketing the site for over 15 years. A market study was done for the site and the results of the study indicated a need for affordable housing. Ryan believed an apartment building would be well-suited for the site to provide the needed affordable housing indicated by the market study. Ryan believed Staff and the Planning Commission were receptive to the residential component but also wished to keep a commercial aspect to that area of the City. Ryan therefore agreed to make the

lower level of the second building entirely commercial. Ryan believes the spaces could be rented in the future. Ryan hoped to begin work on the first building this fall.

Ryan lastly let the Commission know that he hoped the standards for the current apartments being built in the City are comparable to what standards he will face when it comes time to develop his property. Ryan added that any potential changes to height requirements or open space requirements may negatively impact his development compared to others in the City.

Ryan thanked the Commission. Vice-Chair Hanson thanked Ryan for coming.

Hearing no more public comment, Vice-Chair Hanson closed the public hearing at 8:47 PM.

Christianson displayed the list of questions the Planning Commission was requested to provide feedback on and explained what is done in other similar City zoning districts to provide the Commission with a guideline of what is currently permitted.

Commissioner Smith asked what the zoning district was for Old Town Apartments. Christianson informed him that was R4 zoning. Christianson also clarified that open space can be considered green space, a workout room in the apartment complex and that there is flexibility in determining what may qualify. The R4 District requires 10% usable open space.

Commissioner Hanson was supportive of having no usable open space requirement, 45' maximum height and that apartments be a permitted use in the B7 District. Commissioners Smith and Heimerl voiced their agreement with Commissioner Hanson's opinion.

Commissioner Pipo had a question on the height of Old Town Apartments. Discussion took place regarding the Fire Department's ability to fight fires in taller structures. Commissioner Pipo agreed with Hanson's opinion.

A motion was made by Hanson and seconded by Smith to recommend approval of the applications submitted by R&F Properties, applicant, for Comprehensive Plan Amendment, Amendment to the Zoning Ordinance to create a Mixed-Use Zoning District and rezoning of property from PUD to Mixed-Use.

Motion carried: (4-0).

C. Consider Amendment to Chapter 9 of Subdivision Ordinance Regarding Utilities and Driveway Aprons

Planner, Brandon Malecha, presented to the Commission his memorandum included in the packet. Struck threw items will be removed and underlined items will be added. Changes were reviewed and approved by the City's Engineer. Malecha explained that the amendment is just cleaning up the language to more accurately reflect how the City handles utilities and driveway aprons. It is not dependent, nor will it affect the previous developments discussed tonight.

Vice-Chair Hanson opened the public hearing at 8:57 PM.

There were no members of the public present for comment during the public hearing session on this item.

Hearing no public comment, Vice-Chair Hanson closed the public hearing at 8:58 PM.

A motion was made by Smith and seconded by Heimerl to recommend approval of Chapter 9 of the Subdivision Ordinance Amendment Regarding Utilities and Driveway Aprons to the City Council.

Motion carried: (4-0).

8. GENERAL BUSINESS

A. Old Police Department Building Committee Appointment

Planner, Jake Skluzacek, informed the Commission on the history and background related to the Old Police Department Building next to Historic Elko Park and the Elko Express Ball Park. There was a four-phase plan to get the building back into operating condition for use as the City's Police Department. After the completion of phase 3, it was decided that the new Police Department would be added to City Hall and work on phase 4 was never completed.

The City Council has not made a final decision regarding the future use of the building; however, repurposing the building for some form of community space has been frequently discussed. At the April 3 City Council meeting, the City Council discussed the topic and advised Staff on how to proceed. After Council discussion, the City Council directed Staff to initiate the search for a Committee to handle discussions related to the property.

The advisory workgroup or Committee would be composed of stakeholders similar to the ones listed below:

- City Representatives
 - 1-2 City Council Members
 - 1 Planning Commission Member
 - 1 Parks Commission Member
- Groups with Existing Agreements with the City for use of the Property
 - 1 Hope for the Community Food Shelf Representative
 - 1 Elko Express Baseball Representative
- Citizen Interest Groups
 - 1-2 Representatives from Local Organizations Who are Likely to Use the Space
 - 1-3 Additional At-Large Citizens

- City Staff
 - 1-2 City Staff members to facilitate workgroup activities and provide technical input

The Planning Commission is being asked to appoint a representative to serve on the Old PD Building Committee. There are no meeting dates yet set for the Committee to meet but it will likely meet monthly to discuss updates and provide recommendations. City Staff will facilitate meetings and provide technical support for the Committee. Costs associated with the workgroup's activities will need to be approved by the City Council.

A motion was made by Smith and seconded by Pipo to appoint Commissioner Hanson to serve on the Old Police Department Building Committee as the Planning Commissioner appointment.

Motion carried: (4-0).

9. MISCELLANEOUS

A. Community Development Updates

Senior Planner, Renee Christianson, informed the Commission that Staff received a concept plan that will be reviewed at the next Planning Commission meeting. Pheasant Hills was a development that had been proposed for development in the early 2000's pre-recession. Grading was started but the project was abandoned due to the recession. There is a new Developer interested in the site.

Commissioner Smith asked if the plans had changed much from the prior development. Christianson informed him that they had not changed much. Planner Skluzacek added that the prior plans contained more property as the property has since been subdivided with owners who are not looking to sell their portions at this time.

Christianson informed the Planning Commission that the Minnesota Department of Natural Resources expects to issue a determination on the City's application for increase in their current water appropriations permit sometime this June or July, possibly late May. Grading has begun on the Niagara site at their own risk. Niagara's building permit cannot be issued until a positive determination from the MN DNR is received regarding the City's water appropriation permit.

City Engineer, Rich Revering, was present to provide the Commission with updates relating to this year's street projects. Grinding has begun on the street reconstruction project for this Summer and paving may be complete by the end of the week. Commissioner Smith had questions on signage for notifying residents of sticky roads.

The Downtown reconstruction project is going well. The rain was not needed but did not affect the project much. There have been a lot of abandoned items found which need to be addressed. Abandoned connections are being treated as normal connections and are being repaired if needed as opposed to removed.

Planner Skluzacek noted that the next meeting is planned to include Chair and Vice-Chair Appointments for 2024. This is supposed to be done in April but due to the agenda and absence of the current Chair, Staff opted to put this on the agenda for May.

B. Planning Commission Questions & Comments

None.

10. ADJOURNMENT

It was moved by Heimerl and seconded by Smith to adjourn the meeting at 9:08 p.m.

Motion carried: (4-0).

Respectively submitted by:



Jake Skluzacek
Planner 1