

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
JANUARY 31, 2023
7:00 PM**

1. CALL TO ORDER

Chair Weber called the meeting of the Elko New Market Planning Commission to order at 7:04 p.m.

Commission members present: Weber, Smith, Pipo, and Schroeder

Members absent and excused: Hanson and Ex-Officio member Anderson

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

2. PLEDGE OF ALLEGIANCE

Chair Weber led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Weber asked if there were any changes to the agenda. Senior Planner Christianson informed her that Johnson Reiland has withdrawn their request for a variance and that item 7a will be removed from the agenda.

A motion was made by Smith and seconded by Hanson to approve the agenda with the subtraction of item 7A, Request for Variance #V1-2022 – Johnson Reiland, Applicant. Motion carried: (4-0).

4. PUBLIC COMMENT

Jodi Lucast, 26501 Xerxes Trail was present for public comment. Lucast's comments related to the proposed Niagara bottling facility. Lucast stated that she tried to measure the distance from Deuce Road to the proposed Niagara Bottling facility using Scott County's GIS application and determined that distance to be 2,300 feet. Lucast noted that the average length of a truck is 70 feet long to 71 feet long. Lucast stated that there would be room for about 24 trucks on that road to the facility. Lucast mentioned that she had visited a Niagara facility in Oklahoma City and noticed that many trucks were parked out into the street. Lucast wanted clarification on Staff's recommendation to make a parking lot smaller from a past Planning Commission meeting. Senior Planner Christianson clarified that was in relation to the employee parking lot and that there is a separate lot for truck traffic. Christianson will review the parking numbers for trucks as she did not have them readily available. Lucast stated that her concern was about safety and mentioned that she is not supportive of the proposed project. Lucast finished by asking the Planning Commission to think how this area can support the

number of trucks sitting and waiting at the facility. Lucast thanked the Commission. Chair Weber said she appreciated Lucast's comments and thanked her for speaking.

5. ANNOUNCEMENTS

None.

6. APPROVAL OF MINUTES

A. A motion was made by Weber and seconded by Smith to approve the minutes of the November 29, 2022 meeting as submitted. Motion carried: (4-0).

7. PUBLIC HEARINGS

~~A. Request for Variance #V1-2022 – Johnson Reiland Buildings, Applicant~~

B. Request for Comprehensive Plan Amendment – R & F Properties, Applicant

Senior Planner Christianson began by giving background to the Commission. R&F Properties owns 122-acre property that is described as Lot 1, Block 2, of Elko Market Place. It was platted in 2008 and located on the east side of CSAH 91, south of the roundabout. The applicant is interested in developing housing along the west side of the property. Formal applications for Comprehensive Plan amendment have been submitted. The property is guided by the 2040 Comprehensive Plan to Commercial besides a small section in the south that is guided to Medium Density Residential. The application to amend the Comprehensive Plan is to re-guide a portion of the property to Medium and High Density Residential.

Christianson stated that Staff has determined the property to be 24.4 gross acres; however, approximately only 8 acres will be able to be built on. Christianson next provided the definitions and typical uses associated with Commercial, High Density Residential, and Medium Density Residential Zoning Districts. The current zoning is PUD and was amended and restated in 2017. The PUD lists all acceptable uses for the property which are associated with the Elko Speedway. The PUD was also amended in 2021 to allow temporary seasonal exterior storage as an interim use. The approved PUD identifies area in question as an overflow parking area for the Elko Speedway. Christianson noted that she has not noticed the property be utilized for parking, and that prior to rezoning of the property, the PUD for the Elko Speedway would need to be amended to remove the reference to the overflow parking. She then let the Commission know that Beth Tatge was present and representing the applicant and could also speak to that.

Christianson provided an overview of the neighborhood conditions surrounding the property in question. Christianson explained if the property was re-guided, there would be between 51 to 120 additional housing units possible for the property. Christianson demonstrated the numbers specific to commercial, medium-density residential, and high-density residential. Exact numbers will take additional survey work. Christianson next

went through traffic volumes and transportation considerations for the site. Any development on the site would need to meet stormwater ponding requirements in City Code. Sanitary sewer is available along the western edge of the property. Water is available near Aaron Drive.

The Metropolitan Council amendment process requires notification to adjacent and affected jurisdictions. Christianson explained that the Lakeville School District, Watershed District and the Minnesota Department of Natural Resources have not submitted a response. New Market Township commented that they had no objections to the amendment. Scott County Planning and Highway Departments both had no comment, provided access to future development doesn't change from agreed upon locations on County Road 91. The Scott County Parks Department had no comment and waived further review.

Christianson explained what a Comprehensive Plan does and requirements set by the Metropolitan Council. The proposed amendment would help meet Housing Goal #2 contained in the City's Comprehensive Plan: Provide housing options for people in all life stages and of all economic means. Next, Christianson shared Staff's opinion. Staff's opinion is that the re-guidance of approximately 24 gross acres, or 8 net acres, from Commercial to Medium and High-Density Residential will not have a serious or negative affect on the overall planned land uses within the 2040 growth boundary and will help achieve housing goals contained in the Comprehensive Plan. Lastly, Christianson stated the requested actions for the Planning Commission which include holding a public hearing and providing a recommendation to the City Council.

Chair Weber opened the public hearing at 7:23 PM.

Chair Weber asked those in attendance three times if anyone had any comments. Hearing no public comment, Chair Weber closed the public hearing at 7:23 PM.

Commissioner Smith mentioned that he thought the re-guidance will work and that the pond provides a natural buffer to the speedway. Commissioner Schroeder said that she had no concerns and thinks that the access will be more conducive for residential compared to commercial. Commissioner Pipo mentioned the issue of groundwater damaging foundations in the area and some concerns he had with the traffic for the site. Christianson shared Commissioner Hanson's comments as she was unable to attend the meeting, and read them into the record: "Yes, rezoning this property to a combination of Medium and High-Density Residential makes sense: the property adjacent to the north is already zoned for high-density – continuity of use, shared access to 91, configuration of the property (wetlands, access, etc.) makes this property less desirable for commercial development, pros to a residential project: access to paths for residents, ease of access to downtown."

A motion was made by Smith and seconded by Schroeder to recommend approval to the City Council the Applicant's petition for re-guiding of property. Motion carried: (4-0).

C. Consider Proposed Amendments to Zoning Ordinance Regarding Exterior Building Materials for Multi-Family Housing

Planner Skluzacek presented the history of the discussion topic. He mentioned that it was in response to a recent application to amend the 2040 Comprehensive Plan for multi-family housing. A City Council joint workshop with the Planning Commission took place in September of 2022. Past presentations have covered the different classes of exterior building materials along with the design standards associated with R3, R4, and R5 Zoning Districts along with sample housing projects from other cities. Skluzacek briefly presented the information previously shared with the Commission.

Skluzacek shared Staff's recommended Ordinance amendment that would exclude Class IV exterior building materials from being allowed on multi-family developments in the R3 and R4 Zoning Districts. Skluzacek mentioned there are no other changes to percentage requirements and classes I-III would still be allowed. Skluzacek also mentioned that this amendment would not affect townhomes. Skluzacek finished by stating the requested actions for the Planning Commission which include holding a public hearing and providing a recommendation to the City Council.

Chair Weber opened the public hearing at 7:31 PM.

Chair Weber asked those in attendance three times if they had any comments. Hearing no public comment, Chair Weber closed the public hearing at 7:31 PM.

Commissioner Smith and Weber mentioned that they were in favor of the Ordinance Amendment. Commissioner Pipo also mentioned he was in favor of recommending approval of the Ordinance Amendment. Commissioner Schroeder expressed concerns including increased cost without added value. Chair Weber thanked the Commissioners for their comments.

Chair Weber called for a vote. It was moved by Smith and seconded by Weber to recommend approval of the proposed Ordinance Amendment as presented. Motion carried: (3-1). Commissioner Schroeder dissented.

8. GENERAL BUSINESS

A. Discussion Regarding Multi-Family or Mixed-Use Development on Outlot B, Elko Market Place 1st Addition – R & F Properties Request

Christianson introduced the background on the item. Staff have met with the property owner who is interested in possibly rezoning Outlot B, Elko Market Place 1st Addition to High-Density Residential or Mixed-Use. The property contains two lots totaling 4.541 acres and 0.256 acres respectively. The property is guided by the 2040 Comprehensive Plan to Commercial and is currently zoned PUD. Christianson shared typical uses associated with commercially guided areas and its definition according to the 2040 Comprehensive Plan. The property's current zoning is subject to the requirements of the B5 Zoning District. Allowable

uses are a variety of retail, office, service, restaurant, daycare, clinics, and hotels. Christianson presented past concept plans created by the property owner in past attempts to market the site.

Christianson stated that the property is flat and does not contain any wetlands. Municipal utilities are available to the property on its southerly boundary. Access to the site is available from Market Place Boulevard or a private street that is under construction. She stated that a noise assessment was conducted in 2005 for the Elko Speedway. The objective was to describe the noise environment around the speedway in an effort to understand the compatibility of existing and proposed land uses associated with any proposed development near the Elko Speedway site. Christianson shared an image of the results of that study. She stated that Elko Speedway is exempt from State and City noise standards due to it outdating those standards.

Christianson mentioned that the Planning Commission should consider the total acreage available within the City for Commercial and High-Density Residential. Currently there are 66.22 acres available for High-Density Residential and 311.16 acres available for Commercial. Christianson noted that this is one of the few pad-ready sites for Commercial in the City as a vast majority is not yet connected to municipal utilities. Christianson then went over the items the Planning Commission should consider as they provide feedback, as follows:

- Availability of pad ready commercial sites within the City
- The loss of commercially guided land in key locations of the City
- The availability of other high-density residential land in the City
- The location and visibility of the subject parcel, adjacent to an arterial and collector road
- Compatibility of proposed high-density residential with adjacent land uses

Christianson introduced Beth Tatge who was present representing the Applicant. Tatge went over the history of development of the site. Tatge mentioned that for the past 15 years, the property has just been sitting waiting for a developer. Many attempts were made but nothing ever came out of it. Tatge described wanting a project similar to the Scott County Library with apartments on top and a Commercial aspect on the bottom floor. She mentioned that a multi-family component may help bring more retail and services to the City by increasing population. Tatge wanted to see how open the Commission would be to the concept of rezoning before any formal submissions or applications are made.

Commissioner Pipo had a question for Tatge concerning how long the speedway plans on remaining open. Tatge responded by saying she was uncertain but Tom Ryan, the owner, is a proven businessman and would sell for the right price but the plan currently is to run it as it has been run in the past. Commissioner Smith said he could envision a hotel on the property but not necessarily residential living. Pipo agreed. Commissioner Schroeder stated she liked the idea of mixed-use. Schroeder mentioned that there are residential developments nearby already so noise should not be an issue. Pipo countered that there are some trees that act as a buffer to the existing residential neighborhoods. Schroeder agreed but also stated seeing social media posts about people who live in that neighborhood enjoying the sounds of the speedway. Schroeder stated that mixed-use would be positive due to retaining the pad-ready Commercial land while at the same time marketing the site for multi-family housing. Pipo wanted clarification on remarks made about a grocery store locating in the City during Tatje's speech.

Christianson began by explaining that the City also participated in a marketing study and partnered with a developer to determine if the City could support a grocery store. The study indicated that the City could; however, the potential leakage is too great with a majority of the residents leaving the City for work and other nearby options. Pipo had another question regarding if a grocery store would choose to locate in the City after Kwik-Trip is developed. Christianson stated that it could actually be a draw as often times retail attracts more retail. Christianson confirmed that mixed-use would incorporate Commercial on the bottom floor and Residential uses above. Discussion followed. Chair Weber read comments received from Commissioner Hanson into the record as follows: “A compromise would work here. Apartment/condo building with shops on the main level preserves commercial space and offers a new housing option. Market Village has been successful with the library occupying much of the 1st floor, the Hamilton in Savage also has shops on the 1st floor. Eagan has apartments with shops on the 1st floor too. If we are guiding the property around it as commercial, there’s already an element of walkability- including the post office right there and Kwik Trip. Access to paths to the downtown (library) and Wagner Park are also readily available.” Tatge asked for clarification on what would be allowed if the property was rezoned for mixed-use. Christianson informed her that she envision it as similar to the B5 Downtown Business requirements which allow for a variety of retail, service and office on the main floor with residential on top, and that the idea would need to be reviewed with the City Attorney. Tatge thanked the Commission for their input. Chair Weber thanked Tatge for her comments.

B. Discuss and Adopt Planning Commission Goals and Priorities for 2023

Skruzacek reviewed the following goals/priorities for 2023, for consideration by the Planning Commission:

- Research minimum residential lot size requirements and determine if changes are recommended
- Review of 2040 Comprehensive Plan
- Develop educational modules for Planning Commissioners and/or identify continuing education opportunities/requirements
- Continued incremental review and simplification of Zoning and Subdivision Ordinance
- Continued review of tools that foster housing affordability and diversity
- Learn and practice meeting video etiquette and professionalism

The Commission expressed support for the identified goals and priorities. Following discussion, it was moved by Smith and seconded by Weber to adopt the above Planning Commission goals and priorities for 2023. Motion carried: (4-0).

9. MISCELLANEOUS

A. 2022 Planning Commission Report / Accomplishments

Planner Christianson provided an overview of the 2022 Planning Commission accomplishments, as contained in the January 31, 2023 memorandum.

B. Planning Commission Expectations – Attendance and Education Report

Planner Christianson stated that the Planning Commissioner expectations have been included in the packet as an annual reminder of the requirements. She noted that there have not been opportunities for the Commissioners to meet the educational requirements as Staff is still researching additional trainings to replace the ones no longer offered. Attendance at 75% of meetings is required for Commissioners and Christianson shared that all of them have met that minimum.

C. Community Development Updates

Christianson provided an update for the proposed Niagara Bottling facility. Citizens have submitted a petition to the Environmental Quality Board asking them to rule if an additional Environmental Assessment Worksheet should be required for the project. The Minnesota Department of Natural Resources was the governing body assigned to review the request and they have requested multiple extensions. The last extension expires on February 27th, so a decision should be made by then. Discussion followed.

Christianson informed the Commission that Staff is almost ready to issue Kwik Trip's building permit. A grading permit has already been granted so they could start construction of underground utilities.

Skruzacek informed the Commission that the City Council has authorized the hire of an additional Planner. Christianson added that there will be some restructuring in City Hall involving the new Planner position and the Parks and Recreation Commission.

D. Planning Commission Questions & Comments

Commissioner Smith asked if there were any updates on the property behind the strip mall. Christianson replied that the property has sold to the Geigers, who made the application to rezone the property in 2022. The last time Staff had conversations with the owners, they were leaning towards town home developments rather than multi-family apartments, but no plans have been submitted. Discussion followed on the development to the north, Christianson informed the Commission that the first phase has been completed and they are beginning work on the second phase. Commissioner Smith asked how the Pete's Hill development was going. Commissioner Pipo said he had recently been through there and it looks nice, one house in particular has an extraordinary view. Christianson added that the townhomes are getting built out, but the single-family detached homes are lagging behind a little.

10. ADJOURNMENT

It was moved by Schroeder and seconded by Smith to adjourn the meeting at 8:09 p.m. Motion carried: (4-0).

Respectively submitted by:



Jake Skluzacek
Planner 1