

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
JULY 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 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

Chairman Kruckman called the meeting of the Elko New Market Planning Commission to order at 7:05 p.m.

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

Members absent and excused: None

Staff Present: Community Development Specialist Renee Christianson, Planner Haley Sevensing, City Engineer Rich Revering

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

A motion was made by Kruckman and seconded by Hanson to approve the agenda as submitted.

By Roll Call Vote:

Commissioner Hanson - Aye
Commissioner Humphrey – Aye
Commissioner Kruckman – Aye
Commissioner Schuenke – No Vote
Commissioner Smith - Aye

Motion carried: (4-0)

4. PUBLIC COMMENT

There was no public comment.

5. ANNOUNCEMENTS

A. None.

6. APPROVAL OF MINUTES

A. Chairman Kruckman noted a correction on Page 3 of the draft meeting minutes. It was then moved by Kruckman and seconded by Hanson to approve the minutes of the May 26, 2020 meeting with one correction.

By Roll Call Vote:

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

Motion carried: (5-0)

7. PUBLIC HEARINGS

A. Consider Requests by Kwik Trip, Inc.

- Request for Rezoning #R2-2020 to Rezone Property from PUD to B5
- Request for Preliminary Plat Approval of Kwik Trip 1116
- Request for Conditional Use Permit #C1-2020 to Allow a Convenience Store and Commercial Car Wash
- Request for Variance #V1-2020 to allow signage on the pump island canopy, and to allow less than the required 24' between fuel pump island curb faces

Christianson provided an overview of the request and information outlined in the Planning Commission staff report dated July 28, 2020. She explained that the area was rezoned to Planned Unit Development (PUD) by the City of Elko in 2006. The area was intended to include a multi-user commercial development. The subject property is 4.08 acres. She displayed multiple concept plans for the commercial area as presented in 2006 and 2008.

She reviewed the following items:

- Neighborhood conditions / adjacent land uses
- 2030 land use plan which guides the property to commercial land use
- Current zoning of the property
- Minimum lot size, width, setback and height requirements
- Design requirements for commercial zoning districts and motor fuel stations
- Design requirements for pump island and fuel canopies
- Commercial car wash design and stacking space requirements
- Off-street parking requirements, including reductions allowed if proof of parking verified
- Truck circulation modeling for a WB-67 semi-truck
- Landscaping requirements and proposed landscaping plan
- Approved signage plan for Elko Marketplace and proposed Kwik Trip signage
- Drainage and utility easements requirements
- Access and transportation issues
- Stormwater, sanitary sewer, and water utilities and proposed layouts
- Sidewalks and trails, including pedestrian access into the site
- Park dedication requirement, which has been satisfied

Christianson noted that the Kwik Trip application depicts fuel island canopies with fascia that is 4' in vertical height and staff recommends this be corrected to meet the requirement of 3'. She noted that City Code requires 24' between pump island curb faces and Kwik Trip is requesting a variance to allow a 21.5' separation. She also noted that Kwik Trip is requesting a variance to allow signage on both the building and fuel canopies. Commissioner Humphrey questioned the purpose of the City's 3' fascia requirement. Christianson stated that she did not know but some limited research found other communities that also had the 3' requirement.

Christianson reviewed the existing Elko Speedway pylon sign that is located on the subject property and also the proposed Kwik Trip pylon sign. She noted that the Kwik Trip sign is proposed at 35' in height which exceeds the City's 30' height requirement. She also noted that the pylon sign is proposed too close to the existing Elko Speedway sign, as the ordinance requires a minimum of 50' between pylon signs. Christianson stated that she recommends a monument sign in lieu of the proposed pylon sign.

Transportation issues were reviewed in detail. A Traffic Impact Study was prepared to determine the effects of the development on the surrounding transportation system. Christianson explained that a private drive is proposed to connect the existing private drive near the post office to France Avenue. This private thru drive is consistent with original plans presented during the original PUD approvals. The private drive is proposed at 35' in width. A shared maintenance agreement will be needed, as the City will not participate in maintenance. She noted that pavement markings have been suggested to delineate the thru drive from the Kwik Trip fueling area.

Christianson reviewed the proposed utility plans for stormsewer, sanitary sewer, and water. She noted that the stormsewer, as shown on the plan, would require a private easement from R & F Properties, or be moved into a drainage and utility easement with an approved encroachment

agreement. Regarding water, she noted that an easement would be required to construct it as proposed, and an additional hydrant is being recommended closer to the Kwik Trip building.

Christianson noted that comments regarding the Kwik Trip application were solicited from the City Engineer, Public Works Director, Fire Chief, Police Chief, Building Official, and Scott County Highway Department. She noted that staff is recommending approval of the rezoning, preliminary plat, conditional use permit and variances. She specifically reviewed eighteen conditions being recommended related to the conditional use permit.

Dean George representing Kwik Trip addressed the Commission and stated that their vision for the site is to provide fresh grocery, fresh dairy, and meal options, and he believes they will fit well into the community. He stated that all the conditions that are currently being recommended seem like things they can comply with.

City Engineer Rich Revering then addressed the Commission regarding the truck turning movement model. He noted that a semi-truck may be able to maneuver off of France Avenue without jumping the curb by using a different turning movement than currently depicted. Revering also noted that one of the stormsewer structures contains a device that would sense a potential fuel spill, which would then swell to prevent runoff from entering into the stormwater system.

It was then moved by Humphrey and seconded by Smith to open the public hearing at 7:57 p.m.

Tom Ryan, owner of R & F Properties, 26518 France Avenue, addressed the Commission. Mr. Ryan suggested that the private driveway connecting Marketplace Boulevard to France Avenue should be 44' in width. He also explained that the original plan was for the private drive to be 44'. His recommendation is partly because of the proposed double-s curve, and larger vehicles could use the extra width to maneuver the s-curve and commercial development area. He noted that his commercial vehicles are 80' in length. He stated that the 44' wide street is non-negotiable for R & F Properties, noting that the private drive is proposed half on his property which will require an easement from R & F. He stated that he does not want the area to the south to be landlocked and wants full access to the area south of the private drive. Regarding the proposed stormsewer on his property, he prefers that it be within the public easement rather than on his private property. Regarding the sign, he would support the sign being a monument rather than a pylon sign. He stated that Kwik Trip will be a beautiful addition to the City and will be very busy.

Christianson then entered into the record a letter submitted by the law office of David S. Holman, Ltd. from Burnsville, MN, representing R & F Properties, LLC and dated July 27, 2020. The letter was read aloud verbatim. The letter addressed stormwater drainage issues, the shared access road, and signage.

Dean George representing Kwik Trip, 1626 Oak Street, LaCrosse, Wisconsin, asked City staff if the stormsewer line proposed on the R & F Properties parcel could be moved into the drainage and utility easement with an approved encroachment agreement. Christianson stated that the City would be agreeable if there were not any other utilities located in the easement.

It was moved by Smith and seconded by Humphrey to close the public hearing at 8:13 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)

Christianson then asked the City Engineer to provide comment regarding R & F's request for the 44' wide private-drive. Revering stated that extra width may makes things easier for some types of vehicles to maneuver within the development. He stated the City's primary focus is the function of France Avenue and Marketplace Boulevard. He stated that the topic is largely for further discussion between R & F Properties and Kwik Trip because it will be located on their private properties.

Commissioner Smith supported the idea of the wider (44') road and asked who would pay for the addition driveway width near the New Market Bank property, to the west. Christianson stated that would be determined at a future date or when that property develops.

Commissioner Schuenke asked if traffic would be allowed to drive in both directions on the private drive. There was discussion regarding the pros and cons of allowing one-way versus two-way traffic. The Commission supported two-way traffic.

Dean George from Kwik Trip stated that he would meet with Mr. Tom Ryan of R & F Properties to review his concerns.

Commissioner Hanson stated her support for the project and for a monument sign versus the pylon sign. Chairman Kruckman agreed that she supported the monument sign versus a pylon sign. Commissioner Smith asked if there was a requirement for 50' between a pylon and monument sign. Christianson indicated there was no requirement.

Commissioner Smith asked about the length of a WB-67 vehicle. Revering stated that it is the largest truck that would regularly be seen on the road but didn't know the exact length.

It was moved by Smith and seconded by Hanson to recommend approval of:

The request to **rezone** the property from PUD to B5 for the following reasons:

- 1) The proposed rezoning 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 which guides the property to a commercial land use.
- 2) The proposed commercial use of the property for a convenience store / motor fuel station and commercial car wash is compatible with present and future land uses of the area.
- 3) The proposed use of the property complies with performance standards contained in the City's Zoning & Subdivision Ordinances, except as specifically identified in requested variances.
- 4) The proposed commercial use of the property can be accommodated with existing public services and will not overburden the City's service capacity.

- 5) Traffic generation by the proposed development is within capabilities of existing streets serving the property.

The request for **preliminary plat approval** of Kwik Trip 1116 containing one lot on 4.08 acres for the following reasons:

- 1) The proposed plat complies with the purposes of the Zoning Ordinance and Comprehensive Plan.

And subject to the following conditions:

- 1) Preliminary plat approval is granted in accordance with the following plans, except as otherwise noted in the conditions below:
 - a. Preliminary Plat drawing prepared by Sunde Land Surveying and dated June 8, 2020
 - b. Final Plat drawing prepared by Sunde Land Surveying and undated
 - c. Stormwater Drainage Report (including geotechnical) containing 13 sheets, prepared by Carlson McCain and dated May 15, 2020
- 2) The developer must enter into a development contract with the City of Elko New Market at the time of final plat approval.
- 3) The plat shall be revised to include 10' drainage and utility easements on the westerly and southerly property lines.
- 4) Approval is subject to the recommendations and approvals of the City Engineer, Public Works Director and City Attorney.

The request for **conditional use permit** to allow a Convenience Store / Motor Fuel Station and Commercial Car Wash for the following reasons:

- 1) The proposed use of the property as a convenience store / motor fuel station and commercial car wash is consistent with the purpose and intent of comprehensive plan and the B5 zoning district.
- 2) The proposed development conforms with all applicable performance standards, including performance standards for motor fuel stations and commercial car washes as stated in Section 11-26E-4 of the City Code, except as specifically identified in requested variances.
- 3) The proposed development can be accommodated by existing public services.
- 4) Traffic generation by the proposed convenience store / motor fuel station and commercial car wash is within the capabilities of the existing streets serving the property, which has been documented in a Traffic Impact Study prepared by Kimley Horn and dated April 10, 2020.

And with the following conditions:

- 1) Approval is granted in accordance with the following plans, except as otherwise noted in the conditions below:
 - a. Preliminary Plat drawing prepared by Sunde Land Surveying and dated June 8, 2020

- b. Final Plat drawing prepared by Sunde Land Surveying and undated
 - c. Construction Plans containing 16 sheets, prepared by Carlson McCain and dated May 15, 2020
 - d. Signage Plan containing 12 sheets, prepared by Kwik Trip and dated May 18, 2020
 - e. Building Elevations containing 3 sheets, prepared by Kwik Trip and undated
 - f. Stormwater Drainage Report (including geotechnical) containing 13 sheets, prepared by Carlson McCain and dated May 15, 2020
 - g. Traffic Impact Study prepared by Kimley Horn, dated April 10, 2020
 - h. Floor Plan, undated
- 2) The applicant shall comply with recommendations contained in the City Engineer's memo dated July 17, 2020, and the recommendations of the Public Works Director and City Attorney.
 - 3) The plan shall be revised to show the sanitary sewer line be tied into the existing trunk sewer line rather than the sanitary manhole.
 - 4) If parking on the site becomes overburdened, the applicant agrees to construct additional parking on the site to meet the minimum city code requirements of 62 parking spaces.
 - 5) The access / curb shall be redesigned so that a WB-67 truck will not jump the curb as they access the site at the France Avenue / private drive entrance.
 - 6) Trees shall be located outside of drainage and utility easements.
 - 7) The proposed pylon sign shall be redesigned as a monument sign.
 - 8) Evidence of a private easement allowing the proposed stormsewer line to be located on Outlot B must be provided to the City prior to construction.
 - 9) Evidence of a private easement allowing the proposed water line to be located on the New Market Bank property must be provided to the City prior to construction.
 - 10) The plans shall be revised to include additional fire hydrants, if recommended by the building official or fire chief.
 - 11) The plans shall be revised to include pavement markings or colored concrete across the drive aisle to further delineate the pedestrian access into the building.
 - 12) The plans shall be revised to include signage and pavement markings that direct customers to, and clearly delineate, the car wash stacking area.
 - 13) An emergency / rapid access system (Knox Box) will be required on the building at the time of construction.
 - 14) The sign plan shall be amended to add a sign at the northerly entrance into the site stating, "vehicles only / no semi's".
 - 15) The plans shall be revised to comply with the 3' maximum vertical height requirement for the fuel island canopy fascia.
 - 16) A shared access maintenance agreement will be needed to memorialize roles and responsibilities related to maintenance of this shared private drive.
 - 17) Pavement markings shall be added to the plans to help delineate the private drive "thru movement" from the fuel pumping area.
 - 18) Evidence of a private easement allowing the proposed private drive to be located on Outlot B must be provided to the City.

And noting that:

- 1) The stormsewer, sanitary sewer, and water improvements are considered private and will not be maintained by the City.

The request for **variance** to allow signage on the pump island canopy and to allow less than 24' between fuel pump island curb faces for the following reasons:

- 1) The variance requests will not alter the essential character of the neighborhood.
- 2) The applicant is proposing to use the property in a reasonable manner not permitted by City Code.

By Roll Call Vote:

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

Motion carried: (5-0)

8. GENERAL BUSINESS

A. Accessory Dwelling Units

Sevening presented the agenda item which is related to the topic of housing. Sevening noted that the City Council was invited to the meeting to also hear the presentation and participate in the discussion. She recalled that a general presentation regarding housing was made of the Planning Commission and City Council in May and June, the purpose of which was to inform the Commission and Council regarding the topic of housing in general and what the City could do to further foster affordable housing in Elko New Market. She noted that following those presentations there was direction to further research various tools which the City could consider in this regard. The first topic that staff researched was the topic of Accessory Dwelling Units (ADU).

She displayed various types of ADU's (attached, detached, interior) and noted that they have their own kitchen, living area, bathroom and sometimes entrance. She noted that they represent gentle or hidden density that are often located within a single-family home and fit into the context of the neighborhood. They can provide affordable housing without expensive land acquisition costs.

She explained that there are many things to consider including parking, utilities, size requirements, types, lot size, owner occupancy restrictions. She stated that ADU's are not currently allowed in Elko New Market. She reviewed the benefits of allowing ADU's including creating new housing options, increasing access to rental units, potential rental income, increased property values, allowing for aging in place, space for family or caregivers. She reviewed estimated costs to construct ADU's which ranged from \$50,000 to \$200,000 based on research.

She reviewed common concerns related to ADU's which include negative impacts on the character of existing single-family neighborhoods, increased density adding to traffic and parking concerns, pressure on fire and police service, parks, or water/wastewater systems.

She reviewed the research that was conducted by staff and noted that the Minnesota Family Housing Fund does annual housing policy research and found twenty Metro-area cities that allow ADU's. She also conducted research regarding cities that do not currently permit ADU's to better understand why they have chosen not to allow them. She also noted that Scott County does permit ADU's. She provided a summary of the research that was included in the Planning Commission packets.

Sevening stated that if ADU's are supported by the Commission and Council, the City needs to be cognoscente of overregulation because if the purpose is to foster more affordable housing, the City can easily increase the price by overregulating. She also reviewed feedback received from City's that allow ADU's, stating that there were no substantial issues or concerns noted by those communities.

Sevening reviewed housing goals and housing implementation strategies identified in both the 2030 and draft 2040 Comprehensive Plan which both supported the idea of considering ADU's. She stated that the City may want to consider a rental registration ordinance in conjunction with ADU's. She also suggested consideration of a short-term rental ordinance which would regulate short term rentals such as Airbnb or VRBO.

Humphrey asked if there has been interest by the public in creating ADU's. Sevening stated that residents have made inquiries regarding the ability to create an ADU. Schuenke stated that he likes this type of housing and likes the idea of requiring the property to be owner occupied. Kruckman stated that she likes the idea of ADU's which will help increase the City's population and believes the City should further explore the topic. Humphrey suggested looking at ordinances that other communities are using which might work well for Elko New Market. Kruckman suggested gathering community input regarding the topic to see what concerns people may have about the topic. This would allow staff to research concerns people may have. Kruckman also stated concern regarding overregulation. Hanson stated that this topic fits right into providing options for life cycling housing, by providing units for both young adults and aging adults. She also stated concern for overregulation. Smith stated regarding the increasing cost of housing and supported further researching ADU's as an option to provide affordable housing units.

Councilmember Berg stated that he would like to get creative and not necessarily follow only what other cities are doing. Councilmember Novak also supported reaching out to the community to see if this topic is something that the community is interested in pursuing. She stated that she wants to work on issues that the community is interested in as opposed to things that people may not use. Mayor Julius stated that he supports doing further research on the topic and was interested in obtaining community feedback, and that he was supportive of things that could be done to make living in Elko New Market more affordable.

Sevening indicated that staff would continue to conduct research and work on the topic over the next few months.

9. MISCELLANEOUS

A. Tip of the Month – Social Media Policy and Computer Policy

Sevening stated that, with the issuance of laptops to the Planning Commissioners, she provided the City’s policies on social media and City computer use. The policies are included in the Planning Commissioner packets.

B. Community Development Updates & Reports

Christianson provided an update regarding the City’s draft 2040 Comprehensive Plan, Pete’s Hill, Boulder Heights and the roundabout.

C. Planning Commission Questions and Comments

Commissioner Hanson inquired about the status of utility extensions to the interchange area. Christianson stated that a work group continues to work on the topic and will be meeting again in August or soon after.

10. ADJOURNMENT

It was moved by Smith and seconded by Humphrey to adjourn the meeting at 9:23 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