

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
JUNE 25, 2024
7:00 PM**

1. CALL TO ORDER

Chair Weber called the meeting of the Elko New Market Planning Commission to order at 7:03 p.m.

Commission members present: Weber, Hanson, and Pipo

Members absent and excused: Smith, Heimerl, Ex-Officio member Anderson, and City Engineer Rich Revering

Staff Present: Senior Planner Renee Christianson, Planner Jake Skluzacek, and Planner Brandon Malecha

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, Renee Christianson, informed her that there were no changes. A motion was made by Hanson and seconded by Pipo to approve the agenda as presented.

Motion carried: (3-0).

4. PUBLIC COMMENT

None.

5. ANNOUNCEMENTS

None.

6. APPROVAL OF MINUTES

A. Consider Approval of the May 28, 2024, Meeting Minutes

Senior Planner, Renee Christianson, informed the Commission that there was an error included on the draft minutes. An additional condition was included for the Concept Plan Review of Proposed Residential Development (FKA Pheasant Hills), Robert Machacek, applicant. This condition required an additional road connection to the north on the west side

of the development. The Commission and affected neighbors both agreed that an additional northerly connection would not be needed for this development and as land around it develops, additional connections can be made on those pieces of property if needed.

A motion was made by Weber and seconded by Hanson to approve the minutes of the May 28, 2024, meeting with the removal of condition #18 for the Concept Plan Review of Proposed Residential Development (FKA Pheasant Hills), Robert Machacek, applicant.

Motion carried: (3-0).

7. PUBLIC HEARINGS

A. Consider Amendment to Title 11-11-8 of the City Code Regarding Grading Operations

Senior Planner, Renee Christianson, informed the audience and the Commission that it was recently discovered that the City Code contained contradictory information related to hours of operation for certain construction-related activities. Historically, Staff has used Title 5-5-2 of the City Code, which is not contained in the Zoning Code, to enforce construction activities.

Title 11-11-8 of the City Code, which is contained in the Zoning Code, also contains information related to hours of operation for earthwork and hauling operations. These hours of operation are more restrictive than those listed under Title 5-5-2 and are strictly related to earthwork and hauling operations. The City Council has recommended that all hours of operation be listed under one Title of the City Code and that should be Title 5-5-2 which is not under the purview of the Planning Commission but rather the City Council.

Christianson stated that the item before the Planning Commission would remove the hours of operation contained under Title 11-11-8 of the City Code and delete that section of the City Code. The City Council would later amend the hours of operation contained under Title 5-5-2 of the City Code to ensure continuity in enforcement of all construction related activities, and the topic is currently scheduled for consideration at the July 11 City Council meeting. Christianson added that this action does require a public hearing. Initial feedback from the City Council showed the indication that they wished to see the hours of operation be further restricted for construction related activities.

Lastly Christianson added that the Planning Commission is only a recommending body for the City Council. The City Council will make the final decisions relating to both the amendment to Title 11-11-8 as well as any future amendments to Title 5-5-2.

Chair Weber opened the public hearing at 7:09 PM.

Larry Schofield, 11550 Deuce Road, was present to provide public comment. Schofield informed the Commission members that he resided in the property directly across from the construction driveway for the proposed Niagara Bottling facility. Schofield stated that the hours of operation have been 7 AM to 6 PM and now it is being debated to change those to 7

AM to 7 PM. Schofield believed that contractors involved in the construction activities across from his home wished it would be later than 7 PM. Schofield did not think that any of the Commissioners would wish to put up with construction activities across from their homes until 10 PM. Schofield thanked the Commission and advised them to keep what he said under consideration as they provided their recommendation.

Chair Weber thanked Schofield for his comments.

Janelle Kuznia, 26775 Grand Avenue, was present virtually to provide public comment. Kuznia wished to clarify that tonight's public hearing was only intended to remove Section 11-11-8 of the City Code and not to amend the hours of operation. Christianson informed her that she was correct and that the City Council would be amending the hours of operation at a future meeting. Kuznia asked if the Planning Commission were going to provide a recommendation to the City Council related to the hours of operation for their consideration in amending Section 5-5-2 of the City Code.

Christianson responded that the Planning Commission is not being asked to provide a recommendation on the hours of operation, but they are able to if they wish. The amendment language has been drafted based on the preliminary feedback given to Staff by the City Council. The draft language contains the hours of operation for construction related activities from 7 AM to 7 PM on weekdays and between the hours of 9 AM and 7 PM on weekends or holidays. Earthwork and hauling related activities are restricted to the hours of 7 AM to 7 PM Monday through Saturday. Furthermore, all earthwork and hauling related activities are also prohibited on the following holidays:

- New Year's Day
- Memorial Day
- 4th of July
- Labor Day
- Christmas Eve
- Christmas Day

The City Administrator may upon good cause being shown, vary these days and hours in writing.

Kuznia thanked Christianson and wished to add that 7 AM to 7 PM would be the absolute latest that the residents in the area would wish to allow for hours of operation related to construction activities. Kuznia wanted to remind the Commission that the proposed industrial park will be surrounded by township residents who deserve the right to enjoy their property. Kuznia believed that they would still be able to work 72 hours a week with the proposed hours of 7AM to 7PM Monday through Friday and that is a reasonable work schedule even considering weather delays. Kuznia thanked the Commission for their time and for listening.

Chair Weber thanked Kuznia for her comments.

Hearing no more public comment, Chair Weber closed the public hearing at 7:15 PM.

Hanson agreed that Title 11-11-8 of the City Code should be removed and the hours of operation be amended by the City Council under Title 5-5-2. Commissioner Hanson also opined that the Planning Commission should provide a recommendation to the City Council relating to the hours of operation. Hanson added that 7AM – 7PM sounded reasonable to her. Chair Weber agreed as well as Commissioner Pipo.

A motion was made by Hanson and seconded by Pipo to recommend approval of the proposed amendment to title 11-11-18 of the City Code Regarding Grading Operations and recommend the hours of operation for construction related activities be no earlier than 7 AM and no later than 7 PM.

Motion carried: (3-0).

8. GENERAL BUSINESS

A. Zoning Ordinance Amendment – Detached Accessory Buildings and Accessory Dwelling Units

Planner, Jake Skluzacek, presented background information and research to the Commission related to detached accessory buildings. At the February 27 Commission meeting the topic was first introduced and discussed. Staff presented research showing similar and surrounding cities standards. The Commission requested that Staff provide examples of these standards on surveys to better understand and visualize what the amended sizes should be.

At the May 28 Commission meeting, Staff presented these examples to the Commission. The Commission had offered the initial recommendations as follows:

- 1,000 Maximum Total Square Footage Limit for Properties 1 Acre and Less
- 2,000 Maximum Total Square Footage Limit for Properties 1 Acre and Greater
- Maximum of Two Structures Allowed per Property

The Commission and Staff both wished to continue discussions relating to any potential amendment because it may have on the City's ADU Ordinance which has size standards directly relating to the Detached Accessory Building Ordinance. Other considerations Staff wished to address included the total height of Detached Accessory Buildings, which would also apply to ADU's and driveway and access requirements for the proposed larger detached accessory structures.

Currently the City allows for a maximum height of 15 ft. for residential accessory use structures. Increasing structures total maximum allowable size may require an amendment to the maximum height as well.

The City currently does not require paved access for detached accessory structures. It is likely that residents will be driving recreational vehicles to and from their new larger structures which may create nuisances. Staff is requesting feedback and direction from the Planning Commission regarding these two issues in addition to further discussion on ADU

requirements in relation to any proposed amendment to the Detached Accessory Building Ordinance.

The Commission provided the following feedback and direction to Staff related to potential Ordinance Amendment relating to Detached Accessory Buildings and Accessory Dwelling Units:

1a. For properties 1 acre and under – 1,000 square foot maximum floor area allowed. Remove language related to conditional use permits.

1b. For properties 1 acre and greater – 2,000 square foot maximum floor area allowed. Remove language related to conditional use permits.

2. There shall be no more than two detached accessory buildings per lot in residential zones, except by conditional use permit.

3. The Commission requests more Staff research into surrounding and similar city standards related to maximum height for accessory use structures before providing feedback on this item.

4. No access or driveway requirements shall be enacted for any accessory use structure.

5. ADU's should be considered together with any potential Ordinance Amendment relating to the total allowable size for detached accessory structures.

9. MISCELLANEOUS

A. Cannabis Update

Planner, Brandon Malecha, provided an update on cannabis legislation in the State. Model Ordinances related to cannabis and zoning were released by the Office of Cannabis Management last week. It was originally expected that the State would start issuing licenses for cultivation and sale after January 1, 2025, but the State is allowing people to apply for cultivation and retail licenses as of June 24, 2024. Therefore, it is likely that the Planning Commission may be asked to provide a recommendation in the near future relating to the zoning regulations for these newly legalized businesses.

B. Community Development Updates

Senior Planner, Renee Christianson, gave an update relating to the Park I-35 Industrial Park. The final plat is expected to be voted on by the City Council at their June 27 meeting. The City's Engineer, Rich Revering, is also expected to give an update relating to the City's water appropriations permit from the Minnesota Department of Natural Resources.

C. Planning Commission Questions & Comments

None.

10. ADJOURNMENT

It was moved by Hanson and seconded by Weber to adjourn the meeting at 7:36 p.m.

Motion carried: (3-0).

Respectively submitted by:



Jake Skluzacek
Planner 1