

MINUTES OF PLANNING COMMISSION MEETING

October 13, 2014

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 13th day of October, 2014 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Dean, Egger, Sannes, Ferris and Borgstrom

THE FOLLOWING WERE ABSENT: Torkelson and Richette

THE FOLLOWING WERE ALSO PRESENT: Community Development Director Mike Martin and Admin Assistant Weigel, Lois Cunningham, Jason Farnsworth, Jim Foote and Christine Foote.

CALL TO ORDER: Chairman Dean called the meeting to order at 6:30 PM.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETINGS: Sannes made a motion to approve the minutes from September 8, 2014, Egger seconded. Ayes: Dean, Egger and Ferris. Borgstrom abstained from the vote.

PUBLIC HEARING OPENED FOR CUNNINGHAM PRELIMINARY PLAT: Community Development Director Martin informed the Commission that this Preliminary Plat is regarding a street to the west of Mantorville Ave/Hwy 57, an extension of 16th Street for the future. To make the street continue in a straight path from the existing 16th Street power poles belonging to Xcel Energy would have to be moved at a cost of \$11,000 a pole. The land to the south is not in the city limits and does not look to be annexed anytime soon, so off-setting the road and moving it to the north is the best and most efficient way to go.

Jim Foote; 1701 N. Mantorville Ave: Mr. Foote asked if its known yet when the east part of 16th Street will be developed. Martin stated that the 16th Street expansion is not on the radar at this time. Mr. Foote also what would be done with the intersection of 16th Street and Mantorville Ave/Hwy 57. Martin stated that Hwy 57 is a State Highway and the Department of Transportation manages that, but when it does happen the City of Kasson and MnDOT will work together on the project.

Jason Farnsworth; 18 5th Street SW; Mr. Farnsworth asked if the expansion of 16th Street will line up with the existing 16th Street and Martin explained that no it will no line up exactly because of not being able to obtain the land to the south and the power poles. Farnsworth stated that it will be a nightmare just like 7th Street. PUBLIC HEARING CLOSED

COMMISSIONER DISCUSSION –

Commissioner Borgstrom asked why were are looking at this? **Lois Cunningham;** owner of LC Trucking; 1601 N. Mantorville Ave; stated that they have purchased the land to the west for a parking lot to elevate trucks parking near the building and on the frontage road. Borgstrom stated that the reasons the frontage roads were put in was so that there would be three easy access points to Hwy 57 from the east and west. **Commissioner Sannes** asked what could be changed to smartly move 16th Street so it lines up on both sides. Martin stated that unless the land to the south became available there was nothing that could be done. **Commissioner Egger** if it was in fact true that the MnDOTs idea was to put in a round- about and if that is the case it then whether the roads line up or not isn't an issue. Martin stated that round-abouts have been MnDOTs preference lately. **Commissioner Borgstrom** stated that when the North/South frontage road was put in was intended that commercial would be on the west side and residential would be on the east side and there would be three access points to Hwy 57. **Commissioner Ferris** stated that for nine out of twelve months of the year teenage drivers are very prevalent at that intersection. Ferris also stated that the Commission is looking at options at this point, there is no road going in right now.

Commissioner Borgstrom asked if the center line was straight down the poles then would Cunningham's consider an easement. Martin stated that this plat is doing just that. Jason Farnsworth stated that his only concern is that if this is pushed through now it will never be made right. Martin stated again that there is no road going in at this time, this plat is to give the city options. **Commissioner Sannes** stated that he was okay with a cash donation for the parkland dedication. Martin stated that amount is usually between two and three thousand dollars.

Motion: Sannes made a motion to approve the resolution with the four conditions, second by Egglar. Ayes – Dean, Egglar and Ferris Nays – none. Borgstrom abstained from the vote.

PUBLIC HEARING OPENED FOR CUNNINGHAM REZONE: Community Development Director Martin stated that Lots 1, 2 and 3 are currently being used for commercial use as a non-conforming permitted use. If this rezone does not happen LC Trucking is able to continue doing business as they are today. When the land was annexed in it was defaulted to an R1 instead of being properly zoned a C3. The purpose of this rezone is so that LC Trucking can expand their business and put a parking lot in to store trucks in the Preliminary Plat area. If this rezone happens then in the future any C3 permitted use can go into this spot. **Jim Foote;** 1701 N. Mantorville Ave; Mr. Foote wants to know what can go in this lot if its rezoned? Martin stated that anything permitted in a C3 by ordinance. **Chairperson Dean** read the Permitted uses in the C-3 district as follows:

- (A) Automobile, truck, boat and trailer and implement sales and service establishments including equipment sales, washing service and commercial garages;
- (B) Hotels, motels, private clubs and lodges, taverns and night clubs, restaurants, supper clubs and delicatessens;
- (C) Recreational service including theaters, bowling alleys, pool and billiard rooms, dance halls, roller and ice skating rinks;
- (D) Open air display areas for the sale of manufactured products such as outdoor furniture, hardware items and nursery stock
- (E) Rental of manufactured products or equipment such as household equipment and small tools;
- (F) Buildings and uses customarily necessary to permitted principal use; the use shall not be detrimental by reason of odor, smoke, noise, dust or vibration;
- (G) Convenience stores;
- (H) Wholesale, warehouse, distribution centers;
- (I) Government vehicle and equipment garages and offices;
- (J) Public recreation including parks and playgrounds and hiking and/or biking trails;
- (K) Wildlife, forest and wetland preserves or management areas and game refuge areas;
- (L) Historic sites;
- (M) Essential services;
- (N) Satellite dishes not more than 36 inches in diameter; and
- (O) Parking lots, as defined in '154.007 and regulated in '154.080. Parking lots related to a primary use must be located on the same lot, or contiguous to the principal operation.

There are also conditional uses where certain things are allowed. **Lois Cunningham** stated the only thing they are looking to do is put up a parking lot so their trucks are off the road and away from the building and residences. It was asked of Cunningham how many refer trucks would be there; she stated that the number varies at any given time. Usually the weekends are when the most trucks are around but they are not all running. Some don't get loaded until Sunday evening. Martin stated that there will be a fence or barrier of trees on the sides that border residential areas. There are currently some trees on the north edge. The south side is not the jurisdiction of the City. PUBLIC HEARING CLOSED

COMMISSIONER DISCUSSION –

Commissioner Ferris asked what the relationship was like between Cunninghams and Footes. Mr. Foote stated that things have grown and uses have changed. The growth has caused some issues and things have become unfriendly. Some of the drivers are more considerate than others. Mr. and Mrs. Foote stated that they believe if the land in the back was developed into parking that would alleviate some of the problem. They asked that a screen or fence be put up and not at their expense.

Commissioner Egler stated that as long as a screen is put up for the residents maybe pine trees, something that will provide a screen year round. Egler asked Mr. Foote if he still parks his semis there when he is home and Mr. Foote stated yes, but they don't make noise, they come in Friday night and leave on Sunday.

Commissioner Sannes had no discussion.

Commissioner Borgstrom asked if Mr. and Mrs. Foote feel this would make their situation better and they stated that yes, with a buffer and the trucks being parked in the far south west corner, it would make their situation better. Borgstrom asked Martin when the jake break laws apply. Martin stated that it falls within the jurisdiction that controls the road. It falls under the noise ordinance but when the breaks are hit then the police are called and they are dispatched the truck is gone at that point.

Chairperson Dean asked if this was considered "Spot Zoning" because there is no C3 zones adjacent to it. Martin stated that the amount of acreage would be hard to consider this a "spot zone" and this property is already being used as a C3 use. There is no black and white in this instance.

Commissioner Borgstrom stated this is not a "spot zone" because of the large area; the whole area should be commercial. All that is being done now is three lots are being brought into conformance

Motion: Sannes made a motion to approve the resolution based on the findings of fact with buffer screening, second by Ferris. Ayes – Dean, Egler, Borgstrom and Ferris Nays – none.

RECOMENDATION REGARDING RIGHT-OF-WAY VACATION

Martin is asking for recommendation from the Commission to eliminate public thorough fare for lots 1 and 2, there is no reason for the city to main this right of way in front of LC Trucking. That would then make this not a through street and would force traffic to the south driveway. Martin stated that staff is simply looking at other ways to help the truck traffic. Cunninghams would have limited access to the north drive. Commissioner Borgstrom and Chairperson Dean were in agreement to leave it the way it is, as its harder to get it back after giving it away. Recommended to City Council to not vacate right of way.

PLAT LANGUAGE

Martin included proposed language to put on future plats for right of way information. After little discussion it was decided for Mike to refine the working, as the idea was good, and bring it back to the commission at the November meeting.

OTHER BUSINESS: Commissioner Borgstrom asked about the lot of dirt where Zomok's property was. Martin stated that Zomok property belongs to the City of Kasson, Oppidan does not own this parcel at this time.

ADJOURN: Since the agenda had been met the meeting was adjourned at 7:52 pm.

ATTEST:

Krista Weigel
Administrative Assistant

Michael Martin
Community Development Director