

MINUTES OF PLANNING COMMISSION MEETING

June 13, 2016

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 13<sup>th</sup> day of June, 2016 at 6:30 PM

**THE FOLLOWING MEMBERS WERE PRESENT:** Chairperson Dean, Commissioner Borgstrom, Commissioner Ferris, Commissioner Sannes, Commissioner Stafford, Commissioner Tinsley and Commissioner Torkelson

**THE FOLLOWING WERE ABSENT:** none

**THE FOLLOWING WERE ALSO PRESENT:** Community Development Director Mike Martin and Admin Assistant Weigel

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

**OATH OF OFFICE:** Administrative Assistant Weigel administered the Oath of Office to Commissioner Tinsley appointing him to the Planning and Zoning Commission until December 31, 2018.

**MINUTES OF PREVIOUS PLANNING COMMISSION MEETING:** Commissioner Stafford made a motion to approve the minutes from April 11, 2016; Commissioner Sannes seconded with all voting aye.

**PUBLIC HEARING – INDUSTRIAL PARK THREE FINAL PLAT:** Community Development Director Martin explained that the Final Plat contains all elements required and traditionally, plats are approved conditionally and then the engineers go to work getting the mylars drawn, signed and approved by everyone else. The City Council has approved the revised Preliminary Plat at their June 8<sup>th</sup> meeting.

**Chairman Dean opened the public hearing.**

No public comments

**Chairman Dean closed the public hearing.**

**RECOMMENDATION – INDUSTRIAL PARK THREE FINAL PLAT:** No Commissioner comments.

**MOTION TO RECOMMEND APPROVAL OF THE FINAL PLAT FOR KASSON INDUSTRIAL PARK THREE made by Commissioner Ferris, seconded by Commissioner Stafford with all voting Aye.**

**PUBLIC HEARING – RESCIND CONDITIONAL USE PERMIT 2015-4:** Community Development Director stated that the Kasson Municipal Code does allow for the City to rescind a Conditional Use Permit under Section 154.029(g) under certain circumstances. The one that would apply in this situation is that “no work has been done to use the conditional use permit in nine (9) months.” The application stated that the time frame was one year. The ordinance would apply over the application, regardless both have passed. It really comes down to the definitions of the Commission and what you consider to be significant work.

**Chairman Dean opened the public hearing.**

**Gerald Giese – 806 Westfield Court:** I am here representing the 1918 Kasson Public School LLLP partners. We are continuing to move forward and we will reapply when a new developer is found. Mr. Giese shared with the Commissioners some of the work that has been done to date.

**Chris Flood – 3 Rivers Community Action Program:** There is a potential interest in the Kasson School with their housing development arm which works similar to Cohen-Esrey. There is a possibility that 3 Rivers will put in an application in June of 2017 for tax credits. The issues are what to do with the central area of the building. It has to stay as a single open spot. We would come back next year and most ask for a Conditional Use Permit. We would not have an issue letting the CUP expire or be revoked. **Commissioner Ferris** asked if there were examples of other projects. 3 Rivers has around 400 units of rental housing through Rural Development 515 Program in St. Charles, Albert Lea, Northfield and Faribault. They also purchase existing program buildings that have aged out that don't have to meet the same income requirements and have rehabbed them. 3 Rivers is interested in very long term projects. We are also working on a project in Virginia, MN with 41 units using historic tax credits there. **Commissioner Stafford** asked if it was fair to say that you are indifferent at this point in regards to revoking it. **Flood** responded that they would most likely ask for something just different enough that the existing CUP would either need to be amended or a new one would be needed and depending on Kasson's process that could be the same procedure.

**Betty Brandli – 804 Westfield Court:** Kasson has a need for more housing, we own an apartment building and we are constantly flooded with calls and we don't have any vacancies.

**Melisa Ferris – 204 4<sup>th</sup> Ave NW:** This CUP was sought for a specific project brought forward by a very very specific developer who had a lot of very specific experience in rehabbing this type of structure into housing. I am asking that the CUP be rescinded based on the proposed density of the number of units if the partners want to bring forward another developer with another plan then I think we should see what that plan is and consider it on its own individual merits.

**Chairman Dean closed the public hearing.**

**RECOMMENDATION – RESCIND CONDITIONAL USE PERMIT 2015-4:** **Commissioner Sannes** believes that we approved the CUP based on the background of Cohen-Esrey. **Commissioner Tinsley** asked that when this went through there was also a variance, what happens to the variance if we decide to rescind the CUP? **Martin** stated that there is nothing similar for revoking variances. The variance was to allow for impervious surfaces. **Martin** will look into a process for revocation of a variance. **Chairperson Dean** mentioned that if the CUP is rescinded it no way impedes further development; it just means that they need to start the process over.

**Janice Borgstrom-Durst – 401 3<sup>rd</sup> Ave NW:** Owner of the Kasson School and neighbor wants to make sure the commission is aware that this isn't an if it's a when. We just don't have a time frame right now for this to be an issue. I would like to see the gym come back since I have heard that we are short on gym space, but we might need somebody to help fund that.

**Commissioner Stafford** asked to discuss what the differences between major improvements versus preventative maintenance are. Most of the items that are listed appear to be preventative maintenance, as that might be one of the deciding factors. **Mr. Giese** stated that the roof was brought back in all the water was sucked out of the basement, an alarm system was installed. **Chairperson Dean** stated that it's fair to say that this work would have had to be done regardless of the Cohen-Esrey agreement. **Mr. Giese** commented that they are preserving what they have.

**Tony Paulson – 603 2<sup>nd</sup> St. NW:** Questioned the structure of the building. **Giese** stated that developers say it's one of the best buildings they have seen. Agree with Melisa to rescind.

**Commissioner Torkelson** stated that there is a lot to think about including legal ramifications if we left the CUP intact. **Martin** stated that nothing more if than it has been. The conditions were specific to one project. **Commissioner Torkelson** alluded to the fact that this CUP may be more likely to be in the way in the future. **Mr. Flood** sated that starting from scratch and being as transparent as possible is preferred on their end. **Commissioner Torkelson** clarified that by rescinding the CUP won't impede any upkeep the owners want to do. **Commissioner Sannes** stated it's more transparent to start from scratch, that's all that needs to be said. **Commissioner Ferris** mentioned that he is not comfortable with letting a CUP sit on a building. It lends credibility to Kasson residents; the more transparent the better. **Commissioner Borgstrom** stated that the owners have graciously stepped aside and are in agreement with letting the CUP be rescinded. It appears that the only neighborhood complaint is the density. The owners have made it clear that they will be back. **Chairperson Dean** said that it makes more sense for a new developer to come back and rescind this current CUP. No brick and mortar work has been done towards this CUP. The only improvements that were done were to keep the building standing.

**MOTION RECOMMENDING THAT THE COUNCIL RESCIND CONDITIONAL USE PERMIT 2015-4 ISSUED TO 1918 KASSON PUBLIC SCHOOL LLLP made by Commissioner Sannes, seconded by Commissioner Ferris with Dean, Ferris, Sannes, Stafford, Tinsley and Torkelson voting Aye and Borgstrom abstained.**

**KWIK TRIP PROPOSAL:** **Community Development Director Martin** this map is present for information only at this point as this constitutes a significant new development in the community Martin will do his best to keep the Commission informed; however there will be minimal action for the Commission to take. The only action that the Commission will need to act upon is currently laid out is a Minor Subdivision to combine three lots into one and to vacate some easements.

**OTHER BUSINESS:** none

**ADJOURN:** Since the agenda had been met the meeting was adjourned at 7:25 pm.

**ATTEST:**

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Krista Weigel  
Administrative Assistant

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Michael Martin  
Community Development Director