

MINUTES OF PLANNING COMMISSION MEETING

December 11, 2017

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 11<sup>th</sup> day of December, 2017 at 6:30 PM

**THE FOLLOWING MEMBERS WERE PRESENT:** Commissioner Ferris, Commission Sannes, Commissioner Tinsley and Commissioner Zelinske, Commissioner Borgstrom and Commissioner Burton.

**THE FOLLOWING WERE ABSENT:** Commissioner Torkelson

**THE FOLLOWING WERE ALSO PRESENT:** City Administrator Coleman, City Clerk Rappe, City Engineer Theobald, David Martin, Bruce Kruger, Harlan, Colleen and Steve Jacobson and two other citizens representing Images.

**CALL TO ORDER:** Commissioner Ferris called the meeting to order at 6:30 PM.

**MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Motion to Approve the November 13, 2017 minutes made by Commissioner Sannes, second by Commissioner Burton with all voting Aye.**

**PUBLIC HEARING FOR PRELIMINARY PLAT – HACK’S 2<sup>ND</sup> SUBDIVISION –**

Administrator Coleman stated that the information from the Staff is in the packet. Commissioner Zelinske stated that there needs to be clarification on the subdivision dimensions.

Public hearing opened

David Martin, Massey Land Surveying, representing Richard Massey – Mr. Martin stated that they are in receipt of staff planning review letter. Mr. Martin would like to ask if the wac and sac and park land fees and sidewalk requirement are still required for a replat. Administrator Coleman stated that there is not documentation of wac and sac and parkland fees being paid when the original subdivision was platted. Coleman also stated that this is increasing the density. Mr. Martin feels a shared drive encumbers the lots and there is no privacy and feels that driveways crossing bike path is no different than driveways crossing sidewalks. City Engineer Theobald asked if it is appropriate to have access across a busy school trail on 5<sup>th</sup> Ave NE. Commissioner Zelinske stated that may be too limiting for the developer to limit accesses on 5<sup>th</sup> and 16<sup>th</sup>. Commissioner Zelinske asked about the trail easement on the west side of Hack’s Addition. Administrator Coleman stated that right now there is a worn path in that area that the kids are using. Commissioner Zelinske thinks that a bike path on each side of this subdivision is redundant. Mr. Martin is also against the trail on the west side.

Public Hearing closed

Discussion

Commissioner Sannes – agrees that the second bike path is not a good idea. Is in favor of the additional access to 5<sup>th</sup> Ave and 16<sup>th</sup> St NE.

Commissioner Burton – stated that sometimes the more drives you have the safer it is and is ok with accesses on 5<sup>th</sup> Ave and 16<sup>th</sup> St. We should consider amending/addressing wac and sac fees in the zoning ordinance during our rewrite and agrees that the trail easement on the west side is not needed.

Administrator Coleman stated that the minor subdivision when done created 3 lots from 2 lots and now this creates more lots and cannot find in the zoning ordinance where this is allowed.

Commissioner Burton would like a legal opinion as to whether we can do a plat over a minor subdivision. Mr. Martin stated that the language is ambiguous. Administrator Coleman stated that there were other options than a minor subdivision when Mr. Massey chose that. Commissioner Borgstrom stated that the minor subdivision is done and now he could replat two of the lots the minor

subdivision created. Commissioners Burton and Zelinske stated that there is a large lot development in the community and will this open the gates for them to replat or minor subdivide.

Engineer Theobald stated that the minor subdivision language is not to restrict the lots to a certain number and it is kicking us into the platting process and the question is whether we are allowed to plat over a minor subdivision and the recommendation to the Council should be to get the legal opinion.

**Motion to Table for a Legal Opinion and this will come to January meeting made by Commissioner Zelinske, second by Commissioner Burton Ayes: Burton, Tinsley, Ferris, Zelinske and Sannes. Nays: Borgstrom.**

## **PUBLIC HEARING - VARIANCE – IMAGES**

Public hearing opened

Harlan Jacobson, owner of Images on Metal, they would like a variance to expand the Images building on 5<sup>th</sup> St SE, the Images building on Mantorville Ave has been sold and they will be combining their facilities into one building. Mr. Jacobson explained why and how they are expanding the building in this manner with a layout of the machinery and flow. They will be hiring 5 people right away who will be skilled workers. This would be a variance to the rear and side setbacks. Commissioner Borgstrom asked if the lot coverage is being met since there are no dimensions on the map. Commissioner Sannes asked if the parking requirements are being met. Mr. Jacobson stated that they are not touching the parking. Commissioner Tinsley stated that he will not be voting on this since his company has submitted a proposal for architect on this project. Mr. Jacobson stated that this is a huge positive change for their business.

Public hearing closed

Discussion

Commissioner Burton – the consolidation of services into one building is aligned with the discussion that has taken place over the last few months, this takes us a little into the direction of redevelopment of the downtown.

Commissioner Borgstrom stated that the zoning code has a list of 5 criteria that this has to meet to be approved. Administrator Coleman gave them information from the League of MN Cities of three tests. Commissioner Borgstrom doesn't think this meets the uniqueness of the property, this is not created by the property but is being created by the landowner. Administrator Coleman stated that she had a conversation with Steve Jacobson and adding onto the building in the front would cut off their loading dock area.

Commissioner Sannes – stated that the design that works best is unique to the property and believes that each situation is unique. And disagrees that we do not have to adhere to the 5 criteria and this design is unique.

Commissioner Borgstrom read through the 5 criteria. Borgstrom does not believe that this meets #1, Borgstrom believes #2 fits because other properties in the area, Borgstrom believes that #3 works, #4 does not believe that the zoning code in this area is not recurrent, #5 Borgstrom does not believe this qualifies.

Commissioner Zelinske stated that this is not a detriment to surrounding property and he has no issue with this variance.

Administrator Coleman stated that this lot is encumbered by large utility easements. Commissioner Borgstrom stated that to overlook one or two of the criteria would be a legal nightmare.

Chairman Ferris stated is this something the opportunities in front of him created, or a problem he created. Commissioner Borgstrom stated that the lot did not create this and that this is a land issue not a business issue.

Steve Jacobson stated that they have a detriment of moving people and products back and forth between facilities and that's why they need to expand this building and would be better for the

business and better for the people at the business. Harlan Jacobson stated that the building did create this. Commissioner Burton suggested changes to the Jacobson's plan to accommodate the setbacks. Bruce Kruger asked where the ordinance comes from. Mr. Kruger was informed that this comes from state statutes. Administrator Coleman stated that if the Jacobson's are turned down they could appeal to the City Council.

**Motion to Recommend to Deny the Variance made by Commissioner Burton with findings of fact based that it doesn't not meet the 5 required criteria, second by Commissioner Zelinske Ayes; Burton, Ferris, Zelinske, Borgstrom Nays: Sannes Abstain: Tinsley**

**Chicken Ordinance – Request for increased number of chickens** – Bruce Kruger 603 4<sup>th</sup> Ave NW – Mr. Kruger would like to propose a change to Ordinance 864. It is currently 6 chickens per residence and he would like it changed to so many chickens per lot or square footage of properties. And if this is changed then the size of coop and run would have to be bigger. Mr. Kruger stated that he has a two acre city lot. Mr. Kruger stated that he was assessed for three buildable lots during the last street reconstruction. He would like meat birds and the eggs. Chairman Ferris asked if Mr. Kruger realized that the ordinance prohibits the slaughter of the chickens within city limits. Commissioner Tinsley asked what ratio Mr. Kruger proposes. Mr. Kruger would like 18-24 chickens and he has approximately 75,000-80,000 square feet so approximately 6 per 10,000 square feet. The Commission discussed the size of coop and runs that one would need to house 24 chickens. Commissioner Burton is concerned with cleanliness, odor, noise, upkeep, etc. Commissioner Tinsley asked if other cities ordinance chickens by parcel size. Commissioner Zelinske asked Mr. Kruger to find another city that allows more than six chickens per residence or allows them by lot size. Commissioner Tinsley asked if there were others wanting more chickens than six. Staff stated that there are three permits in the City now and no one has asked for more than six.

**OTHER BUSINESS** – Commission Sannes' term is expiring at the end of the year. Commissioner Sannes will think about it and let the Commission know if he intends on continuing.

**ADJOURN 8:03PM**

**ATTEST:**

---

Linda Rappe  
City Clerk

---

Theresa Coleman  
Zoning Administrator/City Administrator