

MINUTES OF PLANNING COMMISSION MEETING
April 9, 2018

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 9th day of April, 2018 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commission Torkelson, Commissioner Tinsley and Commissioner Zelinske, Commissioner Burton and Commissioner Fitch.

THE FOLLOWING WERE ABSENT: Commissioner Borgstrom

THE FOLLOWING WERE ALSO PRESENT: Administrator Theresa Coleman, City Clerk Rappe, City Engineer Brandon Theobald, Ron Kasel, Rich Massey, Jeff and Tracy King, Joe and Gail Groteboer, Joe and Jolene Ryan, Justin Haase, Jeff Patzke, Jeff and Karen Paschke, Bettie and Stacy Fiscus, Matt Naatz, Jeremy and Alyssa Leeper, Angela Goldsmith, Nicole and Donovan Lambright, Earl and Jackie Longendyke and Joe Winkels

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

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Motion to Approve the March 12, 2018 minutes made by Commissioner Tinsley, second by Commissioner Zelinske with all voting Aye.

PUBLIC HEARING – PRELIMINARY PLAT REQUEST FOR KASEL ADDITION

Administrator Coleman indicated that the City Engineer was present to discuss his recommendations. Engineer Theobald stated that there was a lengthy review in packet including references to City Ordinances, the Comprehensive Plan that is currently in place and the draft of the new Comprehensive Plan. To summarize the review; the intent is to preserve floodplain, recreation and open spaces. Theobald stated three recommendations for consideration. Administrator Coleman stated the City Attorney weighed in on the deed restrictions in a floodplain easement and the removal of fences, sheds and anything on the out lots. Engineer Theobald stated that the City needs to preserve the easement behind all of the current properties.

Public hearing opened –

Rich Massey - suggested that easements are protected by law and doesn't see that there is a way to require that the sheds and fences be removed.

Jackie Longendyke 1002 3rd St NE - stated that the lines on their map are not correct and there are no accesses to these lots except through the owner's lots. She asked about the future for the platted land, what does this means once it is platted, what are the City's requirements once it is platted. Mr. Massey answered that Mr. Kasel's intention is to sell the lots to the adjacent homeowners. Ms. Longendyke asked, if they bought a lot, would they have to pay property taxes. That is affirmative.

Stacy Fiscus 806 3rd St NE – what happens if we don't buy it and will someone go back there and build on it. Mr. Massey answered that no one is forced into buying these lots. Mr. Kasel owns it and others are occupying it and there is a liability factor.

Chairman Ferris asked about plans for unsold lots. Mr. Kasel stated that he would continue to mow it and take care of it. There are 15-20 people who are occupying his land. Mr. Kasel stated that the taxes on the entire 11 acres taxes are \$600 a year. Commissioner Zelinske asked how many have tentatively agreed to buy lots. Mr. Kasel stated that most of the neighbors that have agreed to purchase are not here tonight.

Joe Groteboer 102 8th Ave NE – is concerned that if he doesn't buy the lot behind him can his neighbor buy it and park stuff back there. Mr. Kasel stated the neighbor could buy it but he would prefer to sell it to the adjacent owner. Mr. Kasel stated that deed restrictions could restrict what could be put on this land.

Jackie Longendyke– we haven't seen deed restrictions but if the city is going to allow people to store things on these lots she is concerned. Mr. Kasel stated that it is however you treat your backyard.

Nicole Lambright 906 3rd St NE– there have been vehicles parked there in the past and there is a shed in the back along with mowers and gas cans. Another consideration is that when they bought their house they were under the impression that the city owned this land and were not told that Blaine owned it. They have been in their house for 10 years and have utilized the adjacent property during that time.

Public Hearing Closed

Chairman Ferris stated there are discrepancies between the homeowners and the person who owns the land. Commissioner Burton stated that the property owner is well within his rights to do with his property as he sees fit. If Mr. Kasel doesn't sell it he has the right to require that things be moved off of his land. Engineer Theobald added that deed restrictions would prohibit building on these lots.

Administrator Coleman stated that the Planning Commissions only obligation tonight is to hold the public hearing.

Commissioner Fitch thinks there needs to be more communication between the property owner and the neighbors and he believes this should be rejected and brought back in the future after the questions have been answered.

Administrator Coleman stated that the City has 120 days to act on the preliminary plat.

Mr. Massey asked if the plat is conceptually acceptable to the City.

Commissioner Zelinske questioned the reason to move forward. Engineer Theobald stated that from an engineering and regulatory perspective we are extending lots into a floodplain and that could be reason to reject the plat. Alternatively, its approved with deed restrictions and the City gets a greenbelt for trail. Another possibility is that the City takes ownership of all of the land, there are pros and cons. The City should preserve the floodplain management and the parkland for the trails systems.

Commissioner Tinsley indicated that access is an issue for these proposed lots.

Mr. Kasel has an updated version of the plat that would give the City an acre of land adjacent to the current park.

Commissioner Zelinske would like to see a determination on the parkland and would want to see what the deed restrictions will look like.

Motion to table the Kasel Addition Preliminary Plat made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.

PUBLIC HEARING – ORDINANCE 154 HEIGHT LIMITATIONS EXEMPTIONS

Administrator Coleman stated that this adds sports press box to avoid future variances since we know that more are going to be built.

Public hearing opened.

Joe Winkels 303 9th Ave NE – asked how many press boxes they need and wanted to make sure that this is not for a jumbo tron.

Administrator Coleman stated that this is only a press box, the building only.

Public hearing closed.

Motion to Approve Ordinance 154.052 as presented made by Commissioner Burton, second by Commissioner Fitch with all voting Aye.

ORDINANCE REVISIONS –

Floodplain ordinance – Administrator Coleman and Engineer Theobald stated that the current ordinance is not very restrictive so they provided a sample restrictive ordinance with markups that comes from the DNR. They do have one concern with the variance process.

Is there a preference that we work with the existing ordinance or should we work with the restrictive one and bring it back. Commissioner Burton has an issue with nonconforming uses and structure and feels we could be even more restrictive than what the ordinance is. If we are making things nonconforming and allowing them to expand up to 50% of the market value doesn't make any sense. Administrator Coleman will confer with the City Attorney about variances and sunset for nonconforming uses.

Ordinance 152 – Design Standards – Administrator Coleman stated that this is for review and has been cleaned up already.

COMPREHENSIVE PLAN UPDATE

Get any comments on the draft plan to Administrator Coleman by tomorrow.

Next Monday, April 16 meeting with the City Council, Planning Commission and Comp Plan Working Group at the Kasson Public Library at 6:00PM.

May 14, 2018 there will be a public hearing for the Comprehensive Plan at the next regular Planning Commission.

OTHER BUSINESS

None

ADJOURN 7:43PM