

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, August 17, 1999

1. **CALL TO ORDER 5:30 P.M.**

The meeting was called to order by Acting Chairman Bill Arndt at 5:30 p.m. with the following members present: Dave Westlund, Jim Haugen, Jeff Jones, Dean Kirchoff, and Jeff Haag. Absent: Dean Wood. Also present: Julie Wischnack, Director of Planning and Zoning; Bonnie Baumetz, Planning and Zoning; and Richard Schieffer, City Legal Counsel.

2. **CONSENT AGENDA**

- a) CONSIDERATION OF MINUTES OF REGULAR MEETING DATED JULY 20, 1999

Mr. Haag made a motion to approve the minutes. Seconded by Mr. Haugen the motion carried unanimously.

3. **PUBLIC HEARINGS**

- a) CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY PAXTON ANDERSON TO CONSTRUCT MULTI-FAMILY RESIDENCES IN THE R-3 DISTRICT LOCATED AT 851 DALE ST. S.W.

Acting Chairman Arndt opened the hearing at 5:31 p.m. with the reading of publication #6051 as published in The Hutchinson Leader on Thursday August 5, 1999.

Ms. Wischnack said the applicant is requesting a conditional use permit to construct multi-family residences in an R-3 district. (one, 5-unit building and two-2-unit buildings) now has been revised to one 5-plex and one duplex. There is an existing duplex located on the property. The existing zoning of the property is R-3. Single family residential, R-2 zoning, abutting on the East, West and South, four -unit residential, R-3 zoning, abutting on the North.

Parking -The site plan does provide adequate parking.

Density - There is a total site area of 84,110 square feet. This requirement has been met. Proposed density is 51,000 square feet.

Setbacks and Future Subdivision - The applicant is not proposing to plat the property at this time; therefore the units would be rented. If there is a subdivision in the future, staff has concerns about whether this layout would provide for platting.

Buffer Area -There is a buffer area of existing trees on the eastern portion of the property. The City Forester reviewed the health of the buffer and provided a recommendation in writing. It may be necessary to revegetate some parts of the buffer to ensure a buffer will continue for the single family homes to the East.

Fire/Emergency Service – Revised plans meets 150' distance requirement.

Deck Areas - There are deck areas provided on the site plan. It has been communicated that these are at grade patios and are not decks. Decks would need to meet the setback requirements.

Utilities – Staff is concerned about future utility locations if the property is subdivided. Additionally, there is a requirement for a 10-foot perimeter easement. Staff is recommending this be a wider corridor as to not affect the existing buffer line.

Open Space – The Zoning Code requires at least 20% (16,552 sq. ft.) of the site be open space. The site provides approximately 18,600 sq. ft. of open space within the setback areas.

There is a storm water pond included on site.

Staff recommends approval of the conditional use permit if the following conditions are met:

1. Parking regulations must be met providing three visitor spaces for the 5-unit building.
2. The buffer must be maintained on the eastern property line. Improvements, as recommended by the City Forester, must be completed.
3. This recommendation is not based on subdividing the property, as that has not been included in the application.
4. Utility easements must be dedicated.
5. A storm water pond must be constructed as to not add any run-off greater than pre-development standards.

Bryce Grundahl, 804 Laura Avenue SW, asked what does "maintain" mean for buffer zone, and it appeared to him the existing trees along 40' of the easement area would have to be removed. Mark Schnobrich's letter was referenced to explain plantings in the buffer area.

Mr. Grundahl explained his proposal for construction as follows:

1. Remove existing unit.
2. Build a 5-plex at an angle.
3. Do not develop property.
4. City buy back the area for park. or neighborhood buy back.
5. Remove duplex, build 5-plex ,and build a 4-plex.

Paxton Anderson said he was meeting the requirements for green space.

Jeff Jones asked if Mr. Anderson would consider selling the apartment buildings on the property separately. Mr. Anderson said he would probably sell as a whole.

Jerry Block, 825 Dale Street, proposed only one 5-plex on the lot. He liked open space. He thought Mr. Anderson's proposal had too many buildings.

Don Pankake, 805 Laura Avenue SW, was concerned the drain pond would not be able to hold the required storm water. The low spot on the adjacent lot collects water from rain storms now. The water flows into this area from the existing grassy area.

Kim Grundahl, 804 Laura Avenue SW, asked if there will be a fence around the pond, what is the depth of the pond, and will the mosquitoes be intensified. Also if these are 3-bedroom apartments, will there be a play area for children, will the decks be screened in the future, and how will Mr. Paxton's proposal enhance her property.

Ms. Wischnack said pond fencing has not been required in the past.

Paxton Anderson said an existing open area is being used as a play area.

Joel Millett, 1005-8th Ave SW, said he has noticed increased noise level and traffic since the existing duplex was rented. The effect on his property value is a concern.

Dave Graff, 805 Craig Avenue SW, has noticed increased traffic. He favored Bryce Grundahl's proposal.

Don Nelson, 775 Laura Avenue SW, said the easements may be an issue for small utilities. The power lines will be entering the property from the SE corner. The ponding is going to be in the easement area. He is in favor of Bryce's proposal because it is more consistent with the existing site. Mr. Anderson's proposal is too dense.

Paxton Anderson said his proposal for seven units was well within range of density requirements.

Mr. Haag moved to close the hearing, seconded by Mr. Jones, the hearing closed at 6:30 p.m. Mr. Jones made a motion to recommend denial of the request as: the proposed buildings, as provided in the site plan, will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities, safety and general welfare of the neighborhood. Seconded by Mr. Haag. The motion carried. Five votes cast for denial, Jim Haugen abstained from voting.

- b) CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY DAN AND GERI SMITH TO REMOVE EXISTING GARAGE AND REPLACE WITH 28' X 30' GARAGE LOCATED THREE FEET FROM THE PROPERTY LINE AT 565 JUERGENS RD.

Acting Chairman Arndt opened the hearing at 6:29 p.m. with the reading of publication #6052 as published in The Hutchinson Leader on Thursday August 5, 1999.

Ms. Baumetz, explained the applicant is requesting a conditional use permit to construct a 28' x 30' garage three feet from the property line. The garage location does not negatively affect the neighborhood. The building will be replacing a dilapidated one-car garage. The City Code provides for conditional use permits for construction of a garage 3 feet from the property line. This provision was provided for replacement of existing garages in the older sections of town.

Staff recommends approval of the conditional use permit with the following conditions:

1. A survey of the location of the garage must be submitted.
2. The garage may not exceed 16 feet in height.
3. The garage may not be of "pole barn" type construction.
4. The existing garage must be removed.
5. New driveway of pavement must be with 5' of property line.

Mr. Haag moved to close the hearing, seconded by Mr. Kirchoff, the hearing closed at 6:33 p.m. Mr. Westlund made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen.

The motion carried unanimously.

a) **CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY FRED WERTH TO MOVE A 36' X 35' TWO STORY HOUSE TO A VACANT LOT LOCATED AT 123 – 4TH AVE. NW**

Acting Chairman Arndt opened the hearing at 6:33 p.m. with the reading of publication #6053 as published in The Hutchinson Leader on Thursday August 5, 1999.

Ms. Wischnack said the applicant is requesting a conditional use permit to move a 36' x 35' two story house from 1470 South Grade Road SW (L&P Supply) to 123 Fourth Avenue Northwest.

State Highway 7 is the access for this property. In discussing the application with MNDOT, they would prefer a combined entrance with the property owner to the east. The applicant is researching whether an easement will be possible.

Staff had concerns about the actual move of the building, and have requested the applicant contact the different agencies involved with a move, prior to the Planning Commission meeting. Agencies would include: Police Department, City Forester, Street Department, Water Department, Utilities, Cable, Telephone, and State Patrol. The applicant had received those signatures.

There is a very large boulevard tree near the property, which may not be removed. Drainage for the new home site is also a concern. Site drainage may not negatively impact adjacent property owners. There may be a gas service, which would need relocation on the property. The sewer connection can be made to the west. There must be a new water service connection.

Staff recommends approval based on the following conditions:

1. The applicant may not remove boulevard trees.
2. There is a preference to have a combined access for a driveway, but if not a Mndot permit would be required.
3. Any fees incurred for the move are the responsibility of the applicant.

Fred Werth said he has talked to the neighbors to the north regarding an easement for driveway access.

Jeff Loncorich, 115 4th Ave NE, said he felt his property would lose value. He was also concerned with water run off the hill on the north side of the lot.

Mr. Haag moved to close the hearing, seconded by Mr. Westlund, the hearing closed at 6:27 p.m. Mr. Westlund made a motion to recommend approval of the request with staff recommendations noting there may be changes in the future with the Hwy 7 reconstruction. Seconded by Mr. Jones. The motion carried unanimously.

4. **NEW BUSINESS**

a) **DISCUSSION OF REQUEST TO BEGIN ANNEXATION PROCESS OF APPROXIMATELY 120 ACRES LOCATED ON HWY 7 EAST (SOUTH SIDE) IN HUTCHINSON TWP. AND ANNEXATION PROCEDURES**

Ms. Wischnack said there has been an application for annexation of 260 acres. Along the south side of Hwy 7 East.

Dick Schieffer explained the legal procedure for annexation.

Frank Fay, developer, said the land requested for annexation is not abutting city. He is working with Hennens' Furniture, Mr. Wehr with Yamaha Motorsports and Mr. and Mrs. Seltz. Mr. Fay said his clients would like to be connected to city water.

Mr. Fay has talked to Hutchinson township chairman, John Christenson. He is concerned with environmental regulations.

Jeff Haag said there is risk as to if water lines can be put in when this property is annexed in the city.

5. **OLD BUSINESS**

6. **COMMUNICATION FROM STAFF**

7. **ADJOURNMENT**

Being no further business the meeting adjourned at 7:21 p.m.

PUBLIC HEARING NOTES
HUTCHINSON PLANNING COMMISSION
Tuesday, September 21, 1999

Vice Chairman Bill Arndt , Jim Haugen , Jeff Jones and Vice Chairman Bill Arndt Members Absent: Dean Wood, Jeff Haag, Dave Westlund, and Dean Kirchoff Also present: Julie Wischnack, Director of Planning and Zoning; Bonnie Baumetz, Planning and Zoning; and Richard Schieffer, City Legal Counsel.

Due to lack of a quorum, the planning commissioners present were not able to take action on the agenda items. After discussion, the consensus was to hear the public input for the public hearings.

3. PUBLIC HEARINGS

- a) **CONSIDERATION OF LOT SPLIT AND VARIANCE TO INCREASE LOT COVERAGE FROM 35% TO 39% REQUESTED BY PAUL BETKER LOCATED AT 825 & 827 HILLCREST RD N.E.**

Ms. Wischnack commented on the request by Mr. Betker in Hillcrest Rd. and explained the issue of the building covering more than 35% of the lot. She stated staff recommended approval of the request and explained the hardship of the lot depth in the wetland. She explained the City inadvertently issued the permit without notifying the developer of the problem.

Mr. Betker commented on the hardship also on Lot 7.

- b) **CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY MCLEOD COUNTY TO CHANGE USE TO HOUSEHOLD HAZARDOUS WASTE/MATERIALS RECOVERY FACILITY TO BE LOCATED AT 1065 5TH AVE S.E. (SOLITRA BUILDING) IN AN I-2 (HEAVY INDUSTRIAL) DISTRICT**

Ms. Wischnack explained the location and the requirement for hazardous household waste and materials recovery facilities. She stated transportation is not an issue. The building will be open from 8:00 a.m. – 4:30 p.m. Monday - Friday. Ms. Wischnack explained State permits must be acquired. Staff recommends approval contingent on the following: Permits for other agencies must be submitted to the City, any expansions of the facility would require a building permit and no outside storage of materials is permitted.

Ed Homan, Solid Waste Director McLeod County, introduced Roxy Traxler, Solid Waste Coordinator. Mr. Homan explained the access to the facility. He commented on the space available and space necessary for the operations. He presented a sketch of the building and explained the proposal for remodeling of the building. Mr. Homan explained there are two types of MRF buildings: clean or dirty. McLeod County will operate a clean type facility. He stated this facility will not be used for compost. Mr. Homan presented a detailed schematic of the building. Ms. Traxler explained the types and sorting of household hazardous waste. She presented a list of items accepted at the facility. Mr. Homan commented on the collection items at the MRF facility and reported on the average number of users per day.

Discussion followed on the process to shred glass and plastic. There was discussion regarding the office area.

- c) **CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY REX ERICKSON FOR CONSTRUCTION OF A 50' X 30' (1500 SQ.FT.) GARAGE LOCATED AT 590 PETERSON CIRCLE N.E.**

Ms. Wischnack commented on the request and staff recommendations.

Mr. Erickson explained the need for the garage. Ms. Wischnack stated the applicant must contact the City Forester before removing trees to confirm they are not city boulevard tree.

- d) **CONSIDERATION OF PRELIMINARY AND FINAL PLAT OF WALNUT RIDGE ESTATES PLAT SUBMITTED BY PAUL BETKER**

Ms. Wischnack commented on the request and explained staff recommendations

Mr. Betker stated utilities are in a portion of the development.

Gerald DeLeeuw, 815 Spruce St., commented on the hill to the north of his lot. He has a concern with the drainage when the development of the lots occur. Discussion followed on the elevation and grading plan review. Mr. DeLeeuw is to keep in contact with the city. Ms. Wischnack stated the finished grade appears to be in compliance. Robert Rossell, 740 Hillcrest, voiced concerns with drainage.

- e) **CONSIDERATION OF REZONING REQUEST SUBMITTED BY GREAT PLAINS DEVELOPMENT TO REZONE PROPERTY FROM R-1 (SINGLE FAMILY RESIDENCE) TO R-2 (MULTIPLE FAMILY**

RESIDENCE – 1 & 2 FAMILY) LOCATED EAST OF LAKEWOOD DR. S.W. AND NORTH OF SOUTH GRADE RD.

Vice Chairman Arndt abstained and Mr. Haugen will act as chair of this item.

Ms. Wischnack commented on the location of the request and the present zoning. She stated this public hearing is for rezoning only and presented a site plan. She commented on the density requirements and the surrounding use of properties. She also explained the density in the shoreland district. Staff recommends the rezoning which abuts R-2, meets density requirements and is consistent with the comprehensive plan.

Brian Sullivan, RLK Kuusisto, commented on the request. He stated 20 duplex units are being proposed for the development at this time. Mr. Sullivan commented on the meetings they have had with staff regarding the plat.

Ian McDonald, 925 Lakewood Dr. SW, understood the area was to be single family and there would be a park in the area. Ms. Wischnack explained the use of covenants.

Bill Arndt, 1660 South Grade Rd., voiced concern with the ponding and the infestation of mosquitoes. He stated ponds are not to be deeper but shallow and larger.

Dale Baker, 715 Lakewood Drive, is opposed to the rezoning of R-2 in this area. He stated the neighbors would expect the area to remain single family as there is single family abutting the property. He also voiced concerns with the proposed size and appearance of the homes and does not see need for twin homes.

Mike Braml, 775 Roberts St. SW, voiced concerns of previous neighbors and also the increase of traffic.

Bill Alexejun, 735 Lakewood Dr. SW, stated his opposition for same reasons.

Roger Stearns, 720 Honey Tree Rd. SW, commented on the lot sizes recommended in the past plats. He would recommend lots be larger.

Randy Peters, 1620 - 8th Ave. SW, voiced similar concerns and stated there should be a contingency on the lots for house sizes.

Dale Baker, commented on appropriate placement of R-2.

Jennifer and Paul Traymor, 770 Roberts. St. SW, reject rezoning.

f) CONSIDERATION OF REZONING REQUEST SUBMITTED BY THE CITY OF HUTCHINSON TO REZONE PROPERTY FROM R-2 (MULTIPLE FAMILY RESIDENCE —1&2 FAMILY) TO I-2 (HEAVY INDUSTRIAL FOR CONSTRUCTION OF COMPOST FACILITY LOCATED ALONG HWY 22 S

Ms. Wischnack commented on the location of the site and current zoning. She stated this is an 80 acre site to expand the present composting facility. The public hearing is only the rezoning request. A conditional use permit will be required for fill in the flood fringe. Ms. Wischnack explained the site plan proposed and the rezoning of the HATS facility area to I-2. The request is consistent with the comprehensive plan guidelines.

Mr. Wayne Oliva, 1570 Hwy 22 S, asked if this will be again discussed at next meeting.

Mr. Lawrence Winter, City Resource Recovery Coordinator, commented on the facility and the location of the building. He explained the vision of the City to provide for the process of composting. He commented on the plans for the site and the present use of the site. Mr. Winter described the traffic pattern on the site. He stated expanded service will be required as the city grows. He commented on the flood elevation and showed the flood way line. Ms. Wischnack explained the differences between flood plain, flood way and flood fringe and uses allowed in the different areas. She then commented on the fill required in the flood fringe.

Mr. Robert Anderson, 1545 Hwy 22 S., lives directly across the highway from the rezoning. He commented on the site plan and the residential area located near the operation and will reserve comments until there is a quorum.

Mr. Oliva, stated his residence is zoned residential and commented on the other residences in the area. He stated he would like this to remain R-2. The property is adjacent to residential. Mr. Winter commented on the possibility of a 300 ft. buffer from the east property line stipulated by the MPCA. Mr. Oliva asked if the area for future expansion remain R-2. He would request that area remain R-2

Mr. Jerry Zajicek, 1515 Hwy 22, asked that the property remain R-2 and voiced concern with odors of the composting.

g) CONSIDERATION OF AMENDED CONDITIONAL USE PERMIT REQUESTED BY BARRY BARTON FOR CONTINUED CONSTRUCTION ON STORAGE UNITS LOCATED ON 407 SCHOOL

RD. NORTH

Ms. Wischnack commented on the status of the request and the issues brought forward to the City Council. She updated the commission on the conditions recommended in the first public hearing. She commented on the applicant's timeline proposal to construct fencing (2001), four buildings (2000) and (2001) and pavement (2001). There is a temporary certificate of occupancy presently on the buildings.

Barry Barton, owner, commented on the timeline. He would like to construct the pads and paving soon. The fence will be put up this Fall. He stated he will change buildings in width to provide for a drive and fence along the north side and commented on the need for a fence on the west side. Mr. Barton stated he will correct problems on the north and the east side and would like direction on the fence.

Mr. Orlin Henke, 410 School Rd N, across from the north end of the development. He has concerns with the unfinished project. He stated he has no problem with the development he just would like to see it completed. He voice concerns if the new plans will be followed. Mr. Henke stated a fence is a must to prevent trespassing. He commented on the problem of dust control and wants the project completed in 2000.

Discussion followed on the original proposal completion date which began in 1998. Mr. Barton commented on his credibility with past developments. Mr. Arndt commented on the improvements that have already take place on the property.

h) RECONSIDERATION OF PAXTON ANDERSON'S PROPOSAL FOR A CONDITIONAL USE PERMIT TO CONSTRUCT MULTI-FAMILY HOUSING (5 PLEX) LOCATED AT 851 DALE STREET SW IN THE R-3 DISTRICT

Atty. Pete Kasal, representing Mr. Anderson, commented on the need for a revised plan.

Ms. Wischnack commented on the original plan and issues brought forward to the board previously. She presented the present request and commented on staff concerns. She stated drainage would be piped back to Dale Street. The ponding area would not be a water retention area but a storm pond. The pond must be relocated not to disturb the tree buffer. Another option would be to move the building. There is no subdivision of the property planned at this time.

Mr. Haugen and Mr. Paxton Anderson commented on the proposed plan. Mr. Haugen recommends the building be moved to the east and the pond to the west. He stated they would try retaining as many trees as possible. Mr. Haugen commented on the placement of the 5 plex along the buffer.

Mr. Don Pankake, 805 Laura Ave., asked for the definition of NURP pond standards. Ms. Wischnack explained development of less than an acre does not require a NURP pond design but a more of a swale. Mr. Pankake asked about a catch basin on the property not a pond. There was discussion on drainage to Linden Ave. and drainage on the Jerry Block property.

Bryce Grundahl, 804 Laura Ave., commented on his proposal from the last meeting. He would like to maintain the integrity of the neighborhood. He inquired if the building is proposed close to the buffer how would the buffer be protected? Mr. Haugen disagreed that the buffer would be removed and stated the buffer will be maintained and made more dense with new trees. Ms. Wischnack stated the recommendation by staff is that the buffer not be removed by the construction. Mr. Anderson stated he is trying to keep all the neighbors happy. Right now has no plans to construct a duplex. Mr. Grundahl is concerned with a duplex being constructed on the property. He explained he is not opposed to development on the property however, he is concerned with the effect on his property.

Mr. Schieffer stated a special meeting can be set at this meeting. The agenda and public hearings are continued to October 5, 1999, at 5:30 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, October 5, 1999

1. **CALL TO ORDER 5:30 P.M.**

The meeting was called to order by Vice Chairman Bill Arndt at 5:30 p.m. with the following members present: Jim Haugen, Jeff Jones, and Dean Kirchoff . Absent: Jeff Haag, Dave Westlund, and Dean Wood. Also present:: Julie Wischnack, Director of Planning and Zoning; and Richard Schieffer, City Legal Counsel.

2. **CONSENT AGENDA**

a) CONSIDERATION OF MINUTES OF REGULAR MEETING DATED AUGUST 17, 1999

Mr. Kirchoff made a motion to approve the minutes. Seconded by Mr. Haugen. The motion carried unanimously.

b) CONSIDERATION OF LOT SPLIT REQUESTED BY EARL OLSON ON 1125 CHEYENNE ST. S.W.

Mr. Haugen made a motion to approve the lot split. Seconded by Mr. Jones. The motion carried unanimously.

c) CONSIDERATION OF LOT SPLITS REQUESTED BY PAUL BETKER ON THE FOLLOWING:

- 1) 901 & 903 HILLCREST RD. N.E.
- 2) 907 & 909 HILLCREST RD. N.E.

Mr. Haugen made a motion to approve the lot splits. Seconded by Mr. Jones, The motion carried unanimously.

3. **PUBLIC HEARINGS**

a) CONSIDERATION OF LOT SPLIT AND VARIANCE TO INCREASE LOT COVERAGE FROM 35% TO 39% REQUESTED BY PAUL BETKER LOCATED AT 825 & 827 HILLCREST RD N.E.

Vice Chairman Arndt opened the hearing at 5:33 p.m. with the reading of publication #6059 as published in the The Hutchinson Leader on Thursday, September 23, 1999.

Mr. Haugen moved to close the hearing, seconded by Mr. Jones the hearing closed at 5:36 p.m. Mr. Haugen made a motion to recommend approval of the request for the lot split. Seconded by Mr. Jones. The motion carried unanimously.

Mr. Haugen made a motion to recommend approval of the variance request. Seconded by Mr. Jones. The motion carried unanimously.

b) CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY MCLEOD COUNTY TO CHANGE USE TO HOUSEHOLD HAZARDOUS WASTE/MATERIALS RECOVERY FACILITY TO BE LOCATED AT 1065 5TH AVE S.E. (SOLITRA BUILDING) IN AN I-2 (HEAVY INDUSTRIAL) DISTRICT

Vice Chairman Arndt opened the hearing at 5:36 p.m. with the reading of publication #6060 as published in the The Hutchinson Leader on Thursday, September 23, 1999.

Mr. Jones moved to close the hearing, seconded by Mr. Haugen the hearing closed at 5:37 p.m. Mr. Jones made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Kirchoff. The motion carried unanimously.

c) CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY REX ERICKSON FOR CONSTRUCTION OF A 50' X 30' (1500 SQ.FT.) GARAGE LOCATED AT 590 PETERSON CIRCLE N.E.

Vice Chairman Arndt opened the hearing at 5:36 p.m. with the reading of publication #6061 as published in the The Hutchinson Leader on Thursday, September 23, 1999.

Mr. Jones moved to close the hearing, seconded by Mr. Kirchoff the hearing closed at 5:39 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Kirchoff The motion carried unanimously.

d) CONSIDERATION OF PRELIMINARY AND FINAL PLAT OF WALNUT RIDGE ESTATES PLAT SUBMITTED BY PAUL BETKER

Vice Chairman Arndt opened the hearing at 5:40 p.m. with the reading of publication #6062 as published in the The Hutchinson Leader on Thursday, September 23, 1999.

Mr. Haugen moved to close the hearing, seconded by Mr. Kirchoff the hearing closed at 5:40 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Kirchoff. The motion carried unanimously.

e) CONSIDERATION OF REZONING REQUEST SUBMITTED BY GREAT PLAINS DEVELOPMENT TO REZONE PROPERTY FROM R-1 (SINGLE FAMILY RESIDENCE) TO R-2 (MULTIPLE FAMILY RESIDENCE – 1 & 2 FAMILY) LOCATED EAST OF LAKEWOOD DR. S.W. AND NORTH OF SOUTH GRADE RD.

Vice Chairman Arndt opened the hearing at 5:41 p.m. with the reading of publication #6063 as published in the The Hutchinson Leader on Thursday, September 23, 1999.

Vice Chairman Arndt abstained and Mr. Haugen will act as chair of this item.

Ms Wischnack said two letters have been received stating concerns on the rezoning. Copies of the letters were given to the commissioners.

Dale Baker, 715 Lakewood Dr., presented a petition with 50 signatures from neighboring property owners in favor of rejecting the rezoning. He asked that the petition be forwarded to the City Council.

Dale Baker said they were concerned the type of homes that could be built in a R-2 zone on smaller lots would negatively affect their property values. They would like to maintain the R-1 status, consider placing limits on minimum lot size, the construction method of homes, twinhomes be limited to the eastern corner of the development, and a transition from R-1 zoning to R-2 zoning.

Brian Sullivan, RLK Kuusisto, representing Great Plains Development, said larger lots are abutting the existing R-1 zoning. The middle lots meet the R-2 requirements and the southeast corner is where duplex units are proposed.

Steve Squire, Berscheid Builders representative, said they will build the same type of homes, quality and construction, even though the lots are smaller. It is to their benefit to continue building the same type of homes that are in the Lakewood area now.

Ian McDonald, 925 Lakewood Dr, SW, questioned if the developer was being premature by zoning R-2. He said leave the zoning R-1 and as the area develops, and as needed, change the zoning to R-2.

Brian Sullivan said the City asked Great Plains to do an over-all concept of what they were trying to plan for the future so everyone would know what is going to happen.

Dale Baker stated once the lots are zoned R-2 the developer could come back and ask for a lot split. He asked that the southeast corner remain unplatted at this time.

Steve Squire, said the lots in the first phase behind Lakewood Drive cannot be split, they are in the shore land district.

Galen Goranowski 1645 8th Ave SW, said it did not make sense to him to rezone it all to R-2.

Roger Stearns, 720 Honeytree Rd. said he thought the plan was intelligently laid out, but would like to see lot sizes 90' x 130'.

Mike Braml, 775 Roberts St SW, said he was concerned about drainage, traffic flow, small lot size limiting the type of house being built on the lot.

Dave McBride, 755 Lakewood Dr, said he would like to see the width of the lots 80' or more, and would like to see development remain R-1.

Mr. Jones moved to close the hearing, seconded by Mr. Kirchoff. The hearing closed at 6:11 p.m. Mr. Jones made a motion to reject the request. Seconded by Mr. Kirchoff. The motion carried unanimously.

f) CONSIDERATION OF REZONING REQUEST SUBMITTED BY THE CITY OF HUTCHINSON TO REZONE PROPERTY FROM R-2 (MULTIPLE FAMILY RESIDENCE —1&2 FAMILY) TO I-2 (HEAVY INDUSTRIAL) FOR CONSTRUCTION OF COMPOST FACILITY LOCATED ALONG HWY 22 S.

Vice Chairman Arndt opened the hearing at 6:16 p.m. with the reading of publication #6064 as published in the The Hutchinson Leader on Thursday, September 23, 1999.

Robert Anderson, 1545 St. Hwy 22, said there are five houses across the road from the proposed site of the facility. He is opposed to composting across from the homes. He has no problem with the present area, but does not want composting in the expanded zone in the area south of the county ditch directly across from the houses. There may be some odors. He said the City of Hutchinson not taking care of the area. It is growing with weeds. Mr. Anderson asked to reject a portion of the lot south of the county ditch or the whole lot.

Wayne Oliva, 1570 Hwy 22 S, said his house is located next to the southeast corner, of the property and when this area was first annexed it was zoned R-2. In 1995 it was proposed to rezone but the land southeast of the ditch was left as R-2 because of the homes located north of Hwy 22. A borrow hole was dug. They were told it would be filled but the hole is still there. He requested the area southeast of the ditch remain R-2 zone as a transition area.

Richard Schieffer, city attorney, recommended the request be tabled until October 19, and the City designate a setback area. A meeting with City staff, Robert Anderson, and Wayne Oliva be set up next week before the October 19th Planning Commission meeting.

Mr. Jones made a motion to table the request to October 19th. Seconded by Mr. Kirchoff. The motion carried unanimously.

g) **CONSIDERATION OF AMENDED CONDITIONAL USE PERMIT REQUESTED BY BARRY BARTON FOR CONTINUED CONSTRUCTION ON STORAGE UNITS LOCATED ON 407 SCHOOL RD. NORTH**

Vice Chairman Arndt opened the hearing at 6:29 p.m. with the reading of publication #6065 as published in the The Hutchinson Leader on Thursday, September 23, 1999.

Jeff Jones asked if the area could be paved. Barry Barton said next August or September.

Dick Schieffer said Mr. Barton needed to set a timetable and give a firm date. Mr. Barton said he would like to get the two buildings for the slabs constructed in April of 2000.

Barry Barton said the fence on east side will be up by end of October, 1999. The fence on north side cannot be placed until the retaining wall is extended.

Mr. Barton committed to the following completion timetable:

1. Fencing – east side (1999), north side (2000), remaining fencing (2001)
2. Two southern buildings – to be constructed in April or May of 2000.
3. Two northern buildings – to be constructed in 2001 (slabs to be poured fall of 2000).
4. Pavement on the north end – to be installed when slabs are constructed (2000).

Mr. Haugen moved to close the hearing, seconded by Mr. Kirchoff the hearing closed at 6:43 p.m.. Mr. Jones made a motion to recommend approval of the request with amendments. Seconded by Mr. Kirchoff. The motion carried unanimously.

h) **RECONSIDERATION OF PAXTON ANDERSON'S PROPOSAL FOR A CONDITIONAL USE PERMIT TO CONSTRUCT MULTI-FAMILY HOUSING (5 PLEX) LOCATED AT 851 DALE STREET SW IN THE R-3 DISTRICT**

Vice Chairman Arndt opened the hearing at 6:45 p.m. with the reading of publication #6066 as published in the The Hutchinson Leader on Thursday, September 23, 1999.

Pete Kasal, attorney representing Paxton Anderson, said Mr. Anderson was proposing to construct a 5-plex set back from the tree line. The tree line would be maintained.

Bryce Grundahl, 804 Laura Avenue, said the proposal presented was the least worst choice. As a choice he would like to see a 5-plex and the tree line stay in place, and the concrete slabs stay out of the buffer zone.

Mrs. Grundahl asked for clarification on buffer line, and if patio slabs were put in would they have to stay out of the buffer zone. She is hoping the buffer line will stay and be maintained.

Ms. Wischnack said staff recommended no building structure may intrude into the buffer area (no building of slabs, no actual building or structure in the tree or shrub areas).

Mr. Haugen abstained from voting.

Mr. Kirchoff moved to close the hearing, seconded by Mr. Jones the hearing closed at 6:50 p.m. Mr. Jones made motion to recommend approval of the request with staff recommendations as amended. Seconded by Mr. Kirchoff. The motion carried unanimously.

4. **NEW BUSINESS**

NONE

5. **OLD BUSINESS**

NONE

6. **COMMUNICATION FROM STAFF**

a) UPDATE ON HWY 22 CORRIDOR STUDY

Ms. Wischnack said the moratorium passed at the county commission meeting on October 5, 1999.

7. **ADJOURNMENT**

Being no further business the meeting adjourned at 7:02 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, October 19, 1999

1. **CALL TO ORDER 5:30 P.M.**

The meeting was called to order by Vice Chairman Bill Arndt at 5:30 p.m. with the following members present: Jim Haugen, Jeff Jones, Dean Kirchoff, and Jeff Haag. Absent: Dave Westlund and Dean Wood. Also present: Julie Wischnack, Director of Planning and Zoning; and Richard Schieffer, City Legal Counsel.

2. **CONSENT AGENDA**

- a) CONSIDERATION OF MINUTES OF SPECIAL MEETING OCTOBER 5, 1999 AND SEPTEMBER 21, 1999 (PUBLIC HEARING NOTES ONLY)

Mr. Haag made a motion to approve the minutes. Seconded by Mr. Jones. The motion carried unanimously.

3. **PUBLIC HEARINGS**

- a) CONSIDERATION OF **CONDITIONAL USE** AND PARKING REQUIREMENT **VARIANCE** REQUESTED BY FAITH LUTHERAN CHURCH TO ALLOW THE USE OF A CHURCH IN THE PREVIOUS BETHANY BAPTIST CHURCH BUILDING LOCATED AT 800 GROVE STREET SOUTH IN THE R-2 DISTRICT AND REDUCE PARKING REQUIREMENTS FROM 20 – 25 SPACES TO 17 SPACES

Vice Chairman Arndt opened the hearing at 5:30 p.m. with the reading of publication #6068 as published in the The Hutchinson Leader on Thursday, October 7, 1999.

Ms Wischnack explained the proposed parking area. The lot is 17,500 feet in size. Staff feels there are identifiable hardships: such as irregular lot configuration and placement of the building on the lot. The placement of the building does not allow an adequate area for parking. This facility was originally a church; therefore a church use seems to match the character of this area. Staff recommends approval of conditional use permit and variance with the following conditions:

1. The parking lot must be paved within one year of the date of this approval.
2. The applicant must contact the building department regarding any alterations or remodeling of the structure.
3. The city reserves the right to review the conditional use permit if complaints or issue arise.

Wally Lee, Duane Peterson, Dave Christensen, Randy Freund, representatives for Faith Lutheran were present. An alternative style service will be held on Sunday and other activities during the week are planned for this facility. They would like the parking lot to be rock with cement markers for parking guides.

Mr. Kirchoff moved to closed the hearing, seconded by Mr. Haag the hearing closed at 5:45 p.m. Mr. Kirchoff made a motion to recommend approval of the request for the conditional use permit. Seconded by Mr. Jones. The motion carried unanimously.

Mr. Haag made a motion to recommend approval of the variance request. Seconded by Mr. Kirchoff. The motion carried unanimously.

- b) CONSIDERATION OF **CONDITIONAL USE PERMIT** TO ALLOW GRADING WITHIN THE FLOOD FRINGE REQUESTED BY THE CITY OF HUTCHINSON TO CONSTRUCT COMPOST FACILITY ALONG HWY 22 SOUTH

Vice Chairman Arndt opened the hearing at 5:45 p.m. with the reading of publication #6070 as published in the The Hutchinson Leader on Thursday, October 7, 1999.

Ms. Wischnack explained I-C on a portion of the property was appropriate zoning. City staff has met with neighboring property owners to resolve buffering and zoning issues. In the I-C zone all issues will be required to obtain conditional use permit.. The neighbors present were favored I-C zoning.

The City is requesting a conditional use permit to conduct grading within the flood fringe area of the 100 year flood plain. The City plans to purchase flood plain credits. The City will follow the State wetland process.

Staff recommends conditional approval of the conditional use permit to grade areas within the flood fringe:

1. The flood plain elevations must be approved by the Federal Emergency Management Agency (FEMA) as discussed in the letter from the DNR Area Hydrologist.
2. The wetland mitigation or purchase of credits must be clarified. City to follow State Wetland banking process.
3. The composting run-off may not directly enter protected waterway; as the drainage will be directed to the sanitary sewer system.
4. The existing berm areas on the northeastern portion of the property should not be graded. Additionally, more plantings should be added to increase the screening for the proposed facility.
5. Silt fencing must be utilized throughout construction to ensure no extra sediment enters the river or non-impacted wetland areas.

Mr. Kirchoff moved to close the hearing, seconded by Mr. Jones the hearing closed at 5:55 p.m. Mr. Kirchoff made a motion to recommend approval of the request for conditional use permit with staff recommendations and noting State standards for wetlands are to be followed. Seconded by Mr. Jones. The motion carried unanimously.

Mr. Kirchoff made a motion to recommend approval of rezoning to I-C and I-2 as shown on exhibit with staff recommendations. Seconded by Mr. Jones. The motion carried unanimously.

c) **CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY HUTCHINSON TELEPHONE COMPANY TO ERECT A 300 FOOT COMMUNICATION TOWER LOCATED AT 345 MICHIGAN STREET S.E.**

Vice Chairman Arndt opened the hearing at 5:57 p.m. with the reading of publication #6071 as published in the The Hutchinson Leader on Thursday, October 7, 1999.

Ms Wischnack explained the six month expiration on a previous conditional use permit has lapsed. The conditional use permit was issued in November of 1998, but the structure was never built.

The proposed tower with guide lines location is within property owned by the applicant. There will be an equipment building (350 square feet) near the base of the tower. There will be a security fence installed around the base of the tower and the building. The tower will be lighted, as required to meet airport safety regulations. The tower may not be located closer to the street than the principal building location and may not encroach in the required setback areas. The plan meets these criteria.

Staff recommends approval of the conditional use permit with the following conditions:

1. The tower must be constructed as provided in the plans.
2. A building permit is required for the footings and foundation of the anchor, tower, and building.
3. The conditional use permit expires 6 months from the date of approval. If the tower has not been constructed within that time period, the owners would be required to reapply for the conditional use permit.

Bernie Knutson, neighboring property owner said the tower will be 8 – 10 feet from his property. Issues concerning him were property value, safety, and ice storms creating ice buildup on the tower. A 300' tower should be 300' from his property line. Mr. Knutson recommended denial of the request.

Jim Costello, Hutchinson Telephone representative, said the tower is designed to with stand high winds. The guide lines are well over rated, and the anchors are extensive. The tower will be well lit per FCC requirements. The tower to be installed by Dec 1, 1999

Bernie Knutson would approve free standing away from his property line.

Mr. Jones said he would like information from the Pyrod Company, the company building the tower, with the pro and cons for a tower with guide lines and free standing tower.

Mr. Costello said the lights on the tower would be similar to lights on the elevator.

Rick Kjonnas recommended fencing around guide wires for protection.

Staff to notify adjoining property owners of public hearing date of October 25, 1999.

Mr. Jones made a motion to recommend table of the request until October 25, 1999 at 5:30 p.m. and the Telephone Company to obtain information on the history, towers in other communities, safety and ice issues, differences between freestanding and guide line towers, and have information available to Mr. Knutson. Seconded by Mr. Haugen. The motion carried unanimously.

d) **CONSIDERATION OF **VARIANCE** REQUESTED BY HUTCHINSON UTILITIES TO REDUCE SIDE YARD SETBACK FROM 20' TO 14.5' TO CONSTRUCT ADDITION TO PRESENT BUILDING LOCATED AT 225 MICHIGAN STREET**

Vice Chairman Arndt opened the hearing at 6:45 p.m. with the reading of publication #6072 as published in the The Hutchinson Leader on Thursday, October 7, 1999.

Ms. Wschnack explained the request. The Utility Company is proposing to connect two existing structures in the I-1 Zoning District. Staff recommends approval of the 5.5 foot variance from the 20 foot setback requirement with the following condition:

1. The building must be constructed as provided in the plans.

Mr. Kirchoff moved to close the hearing, seconded by Mr. Jones the hearing closed at 6:45 p.m. Mr. Kirchoff made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Jones. The motion carried unanimously.

e) **CONSIDERATION OF CONDITIONAL USE PERMIT TO CONSTRUCT A 42' X 62' POLE TYPE BUILDING FOR STORAGE LOCATED AT 522 HWY 7 EAST REQUESTED BY JON OTTESON/HAWAIIAN SHAVED ICE**

Vice Chairman Arndt opened the hearing at 6:47 p.m. with the reading of publication #6073 as published in the The Hutchinson Leader on Thursday, October 7, 1999.

Ms. Wischnack explained this property is zoned C-4 and is approximately 1 acre in size. The owners have an existing building to the north of this property. That building is located on a separate parcel. Access to the site is over a private easement. There is a very full row of vegetation to the east of the property. Staff would recommend that area not be disturbed by construction. Staff recommends approval of the conditional use permit with the following conditions.

1. The proposed building must be located on the property as provided in the site plan.
2. Trees must be planted (11-3 or 4 foot evergreens, 2 inch maples) prior to a certification of occupancy being provided to the building.
3. No disturbance of the heavily vegetated area to the east may occur.
4. If utility easements are necessary in the future, the applicant must provide.

Jon Otteson, said he is constructing the building to store equipment that is outside now. He would like to postpone planting a buffer zone until they decide what want to do with vacant area on lot.

Kenny Schumann, 125 Morningside Dr. NE, does not want any water directed to the east. Currently the drainage is to the south. Otherwise he is in favor of the project.

Mr. Jones moved to close the hearing, seconded by Mr. Kirchoff the hearing closed at 7:10 p.m. Mr. Jones made a motion to recommend approval of the request with staff recommendations and the following notation: The tree buffer be planted and parking lot hard surfaced within one year and water drainage reviewed by City engineer. Amendments to the parking lot and buffer schedule to be submitted to the commission prior to one year. Seconded by Mr. Haugen. The motion carried unanimously.

4. **NEW BUSINESS**

5. **OLD BUSINESS**

6. **COMMUNICATION FROM STAFF**

7. **ADJOURNMENT**

Being no further business the meeting adjourned at 7:20 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Monday, October 25, 1999

1. **CALL TO ORDER 5:30 P.M.**

The special meeting was called to order by Chair Dean Wood. Other members present were: Vice Chairman Bill Arndt; Jim Haugen, Jeff Jones, Dave Westlund, and Dean Kirchoff. Absent: Jeff Haag. Staff members present: Julie Wischnack, Director of Planning and Zoning; and Richard Schieffer, City Legal Counsel.

2. **CONTINUED CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY HUTCHINSON TELEPHONE COMPANY TO ERECT A 300 FOOT COMMUNICATION TOWER LOCATED AT 345 MICHIGAN STREET SOUTHEAST**

Wischnack explained the meeting that had taken place between the Telephone Company and the neighboring property owners. Wischnack stated the neighbors had concerns about safety, aesthetics and property values. Walt Clay, President of the Hutchinson Telephone Company was present. Tom Dahl, General Manager for the Telephone Company was also present. Dahl spoke about the supporting neighboring property owners who do not object to the tower being sited on the property. Dahl submitted the letters for the record. Dahl also spoke to Jim Fahey, who was not opposed to the tower. Dahl explained that the costs of buying land, electrical connections and the added costs of monopole construction were reasons that the company did not investigate other sites. Dahl explained that Pyrod Company, the engineers for the tower, had submitted a letter regarding safety issues.

Wood asked if he had any information on ice and the number of times ice issues arise on a tower such as this. Dahl stated that no specific information on numbers is available, but the tower has been reviewed by the F.A.A. and the F.C.C. Dahl stated the F.C.C. had approved the tower, although they don't have the final report at this time.

Haugen asked about the previous application and why had the company let the approval run out. Dahl stated they were busy with other priorities and did not have time to renew the permit. Westlund asked about tower codes. Dahl stated they would be fencing the guide wires and the building/tower area for safety reasons.

Bernie Knutson, Lynn Card Company, stated he was not in support of a 300' self-supporting tower. Knutson stated that the company maintains the property well. Knutson stated there has been some reference to legal issues for cities where the city can not deny certain permits. Knutson explained he had plans to expand to the south of the existing building and is very concerned about ice issues. Knutson presented a graphics about how a 1 pound ice chunk could drop from a tower and its landing point. Knutson stated that the approval of the airport (F.A.A.) only means they have posted the notice, but there has been little research. Knutson was also concerned with the aesthetic qualities of the tower, flashing lights, and visibility from all areas of the City.

Mike Gavin, an Attorney from Glencoe, provided information about preemption of local ordinances and some court decisions. Gavin suggested determining the availability of other sites. Gavin was concerned if the airport wanted to put in a cross runway and the effect this tower would have on that. Gavin also mentioned concerns about emissions from the transmissions of towers may affect employee recruitment for neighboring businesses.

Clay discussed the fact that other sites were considered, but this was in an industrial area.

Discussion between the applicant and neighboring property owner continued.

Jones asked if the other tower in the area affected the airport. Dave Skar, Chair of the Airports Commission, stated he is requesting that the F.A.A.'s decision be followed as far as setting heights and distances.

Schieffer stated that zoning codes are not preempted by federal statutes. Schieffer explained that by local ordinance, a tower exceeding 75 feet requires a conditional use permit. He went to explain the 3 standards for issuing conditional use permits. Schieffer stated that Minnesota case law states that a conditional use permit are allowed uses, but subject to certain conditions. Schieffer stated the following are not issues: placing the tower somewhere else; aesthetics – can not be the only issue, but can be a portion of the consideration; radio transmission waves – it must be found to be a fact; and property devaluation – must be a proven fact. Schieffer reiterated that the true test is whether the use meets the criteria.

Jones asked Schieffer if there was not substantial evidence, what should they do? Schieffer stated that was for the commission to decide. Arndt moved to close the hearing. Jones seconded the motion. Motion carried Ayes 6 Nays 0.

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Westlund stated he thinks industrial areas are a better place for these towers. Westlund also stated that the Telephone Company has based some of their plans on an earlier decision by the City to approve the use. Jones stated his major concern is safety because he feels it is a potential danger. Jones does not know if it is, statistically, an issue. Haugen stated that he had dealt with a tower in Alexandria and they had not had an ice problem with a tower located 12-20 feet from an employee entrance. Haugen also asked the company about other towers they owned and they have not have safety issues. Haugen stated that there are ice issues in downtown area, trees fall in ice storms, etc. Haugen asked if the Telephone Company would remove the tower if there were issues. Jones asked if they put their tower in the rural area could it serve the area. Clay stated, no, if located ½ mile east.

Kirkoff moved to approve the conditional use permit with staff conditions (1. The tower must be constructed as provided in the plans; 2. a building permit is required for the footings and foundation of the anchor, tower and building; 3. the conditional use permit expires 6 months from the date of approval. If the tower has not been construction within that time period, the owners would be required to reapply for the conditional use permit.) Westlund seconded the motion. Motion carried Ayes 6 Nays 0.

Jones requested staff draft the ordinances regarding communications towers.

7. ADJOURNMENT

Haugen moved to adjourn the meeting. Arndt seconded. Motion carried Ayes 6 Nays 0. Meeting adjourned 7:40 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, November 16, 1999

1. **CALL TO ORDER 5:30 P.M.**

The meeting was called to order by Chairman Dean Wood at 5:30 p.m. with the following members present: Jim Haugen, Jeff Jones, Dean Kirchoff, Bill Arndt, Jeff Haag, Dave Westlund. Also present: Julie Wischnack, Director of Planning and Zoning; Richard Schieffer, City Legal Counsel and Rick Kjonaas, City Engineer.

2. **CONSENT AGENDA**

- a) CONSIDERATION OF MINUTES OF OCTOBER 19, 1999 AND SPECIAL MEETING OCTOBER 25, 1999.

Mr. Arndt made a motion to approve the minutes. Seconded by Mr. Jones. The motion carried unanimously.

3. **PUBLIC HEARINGS**

- a) CONSIDERATION OF **VARIANCE AND LOT SPLIT** REQUEST BY VICTOR AND LUCILLE ARLT AT 612 SECOND AVENUE SOUTHWEST IN THE R-2 DISTRICT. THE VARIANCE WOULD BE FROM THE LOT WIDTH, LOT DEPTH AND LOT SIZE REQUIREMENTS.

Chairman Wood opened the hearing at 5:30 p.m. with the reading of publication #6078 as published in The Hutchinson Leader on Thursday, November 4, 1999.

Ms. Wischnack explained the property owner is requesting to divide the lot into two parcels. The width of the lot on Second Avenue is 66 feet and the lot on Third Avenue is 68.51 feet. The property is zoned R2 which requires a minimum lot size of 8,400 square feet and minimum lot width of 70 feet. A lot depth of 120 feet is required. The existing and proposed lot would need lot size and lot width variances. The proposed vacant lot would require a lot depth variance. The existing garage would meet the 6-foot minimum rear yard setback requirement with the proposed lot line, but the cement area would need removal or an easement granted.

The unique configuration of the lot relates to right of way configuration of Third Avenue. East of this lot, the right of way is diminished in size, creating a shorter lot depth for this property. The property has services, sewer and water, available on the Third Avenue side. This area was platted in 1938, which was prior to zoning ordinances being in place for lot width and size requirements.

John Arlt, the property owner's son, addressed the following issues: 1. The lot has been assessed on the Third Avenue side. 2. The road was reconfigured after his parents had purchased the property. They purchased the property in 1967.

Mr. Kirchoff moved to close the hearing, seconded by Mr. Westlund the hearing closed at 5:43 p.m. Mr. Arndt made a motion to recommend approval of the request for the lot split. Seconded by Mr. Jones. The motion carried unanimously.

Mr. Arndt made a motion to recommend approval of the variance request. Seconded by Mr. Haag. The motion carried unanimously.

- b) CONSIDERATION OF PRELIMINARY **PLAT AND VACATION OF A CITY STREET** (BOSTON AND BALTIMORE); AND VACATION OF EASEMENTS AS REQUESTED BY THE WAL-MART STORES, INC.

Chairman Wood opened the hearing at 5:45 p.m. with the reading of publication #6081as published in The Hutchinson Leader on Thursday, November 4, 1999.

Ms. Wischnack, said the property owners are requesting two applications:

1. Vacation of easements and a partial vacation of City right of way (Baltimore and Boston).
2. Preliminary Plat – to create one lot from the five existing parcels.

Vacation request

Wal-Mart is proposing vacation of the street to accommodate a redesign of the their parking lot area. There are

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utilities located within that street which would still require an easement. Staff met with the neighboring property owners and the owner of the Champion Auto Parts Store. They were concerned about having access easements and the potential for MNDot to remove access to State Hwy 15. The applicants discussed moving the street behind lots 3 and 4 to provide frontage to Champion Auto Parts (lot 5) and lot 2. The neighbors indicated they felt relocation of the street rather than vacation with easements was an acceptable compromise.

Staff would accept the vacation request if the following items were addressed.

1. The City Engineer must approve the new street design. There is a concern about the traffic patterns in this area. Perhaps a more curvilinear street design may make a more definitive area between the Wal-Mart parking area and the City street.
2. The newly dedicated easements in the vacation area must be also dedicated by a separate document. The separate document shall outline maintenance issues, access to property, and restoration guidelines.
3. The vacation would only be granted simultaneously with a final plat approval. (The vacation should not be allowed until the new street alignment and design is approved. The City would also be assured the new right of way would be dedicated.)
4. There are 8 existing boulevard trees on Boston Street. The owner would be responsible for reimbursing the City for those trees or provide a replanting on the northern portion of the property along Century Avenue.

Preliminary Plat

Easement Areas

There are utilities, which will require relocation as a result of the store expansion and parking area. The new easements would need to be dedicated with the final plat and by separate document. The utility relocations would be entirely at the owner's expense.

Street on Western Portion of the Property

Staff is requesting construction of a north/south street from Century to Dale Street along the western property boundary at the owner's expense. The City's request is for a number of reasons:

1. The City is in need of a north/south collector street in this area to alleviate traffic issues on State Hwy 15.
2. This road would eventually align with Harrington Street on the north and connect at the south to Airport Rd.
3. The expansion of the store will add more traffic into the area. Currently, the store of this size should experience approximately 5,200 trip ends per day. (Each trip one in – one out, counts as one trip end.) The expansion of 100,000 square feet will expand that to approximately 9,000 trip ends per day.

There are two options for construction alignments:

1. Construct the road from Century Avenue to the ditch line and follow the ditch until Denver Avenue. Staff has discussed the City being responsible for filling the ditch.
2. Construct the road along the western property boundary. This option would require a rearrangement of the proposed storm water pond. There may have to be relocation of utilities in this area as well.

The developer has agreed to construct the portion from Century Avenue to the ditch line and the remaining portion of Denver Avenue. The developer feels the City should be responsible for the ditch portion and assess that cost to adjacent owners at another time.

Wetlands and Storm Water Pond

The National Wetlands Inventory indicates a wetland in the northeastern portion of the property. Delineation information or certification that there are not wetlands in the area, must be submitted.

The existing storm water pond will need to be relocated and expanded. The final storm water pond and design must be approved by the City Engineer. A stipulation of the final plat should include the owner's responsibility for on-going maintenance of the storm water pond. The storm pond area should also be encumbered by an easement, if the City needed access to the pond at some point in the future.

Staff recommends the Planning Commission act on the vacation application and would then request the City Council delay action until the final plat is reviewed. This would ensure the proper rights of way are dedicated.

Greg Frank , McCombs, Frank, & Roos, Project Engineer, said truck traffic would come to the back of the building from Denver Avenue.

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Greg Frank explained a number of parcels are under purchase agreement. They would vacate existing easements as a number of easements cross through the parking lot now. New easements will be platted on the new plat. City staff to review easements and final plat. The Wetlands will be reviewed by the Army Corp of Engineers. Wal-Mart is willing to pay for 100% of the cost of the road on the north side to ditch, and on the westerly property line(Denver Ave.). Wal-Mart would be willing to pay for one-half the road along the ditch area.

Pat Dalin, representing Novation Credit Union, asked how would rededicating streets affect their access.

Rick Albein, Champion Auto, asked what will happen to his access to Baltimore Ave., and how will the corner be signed.

Rick Kjonaas said on the initial plat there are more open questions beside traffic control. The city would have the expense of maintaining a little traveled street.

Greg Frank said Wal-Mart made a commitment for a public street.

Rick Albein asked if the located street needed to be there if Champion Auto wasn't.

Darcy Winter, Real Estate Broker for Wal-Mart, said Rick Albein's proposal for Wal-Mart to relocate Champion Auto was not economically feasible.

Roger Madison, Bremmer Bank, said they needed the relocated street for access to their property.

Mr. Jones moved to close the hearing, seconded by Mr. Arndt the hearing closed at 6:38 p.m. Mr. Jones made a motion to recommend approval of the preliminary plat with the following conditions:

1. Any utility relocation required will be at the owner's expense.
2. All necessary easements and rights of way dedications will be included on the final plat.
3. A special easement document must be executed for the area of property within the vacated street, east of the store, and north of the new store.
4. The owner must grant right of way for a street connecting Atlanta and Baltimore, as required in the drawings.
5. The owner is required to build the street between Atlanta and Baltimore.
6. The owner must construct the northern portion of a north/south road (aligning with Harrington) and the westerly portion of Denver to the west property line as a part of this project.
7. Road construction documents for both streets must be submitted for approval.
8. A storm water redesign and easements must be submitted and approved.
9. A wetland delineation or certification of no wetlands on the site must be submitted.
10. Trees must be replaced or payment of \$2,300 to the City must be submitted.

Seconded by Mr. Westlund. The motion carried with commissioners Haag, Jones, Kirchoff, and Woods voting in favor and Arndt, Westlund and Haugen for denial of the request.

Mr. Jones made a motion to recommend approval of the vacation of a portion Boston Street and a portion of Baltimore Ave. request. Seconded by Mr. Kirchoff. The motion carried.

c) **CONSIDERATION OF PRELIMINARY PLAT FOR 112 SINGLE FAMILY LOTS ON 47.99 ACRES AS REQUESTED BY GREAT PLAINS COMPANIES INC. (EAST OF LAKEWOOD DRIVE AND NORTH OF SOUTH GRADE ROAD)**

Chairman Wood opened the hearing at 7:11 p.m. with the reading of publication #6082 as published in The Hutchinson Leader on Thursday, November 4, 1999.

Ms. Wischnack explained the proposed plat is configured within the R1 Zoning District. There is no request for rezoning at this time. The R1 area requires a minimum lot size of 10,400 square feet. The minimum lot width is 80 feet and the minimum lot depth 130 feet. A corner lot requires 110 feet at the building line.

The very western cul de sac is over 750 feet in length. This length must be reduced. One of the access points onto South Grade Road must be removed (or existing Honey Tree Road would be removed and utilize Park Island Drive Southwest). There should be an additional right off way dedicated to eventually meet McDonald Drive (Park Island Drive). Staff has discussed a more curvilinear street pattern on Eighth Ave SW to act as a traffic calming device. There must be three lanes constructed for accesses onto South Grade Road (add turning lanes constructed for accesses onto South Grade Rd.). A trail will be installed along Eighth Avenue SW. Some of the street names need revision.

Staff recommends approval of the preliminary plat with the following conditions:

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1. Revise cul de sac length.
2. Move grading limits away from South Grade Road.
3. Add a turn lane to the design of the accesses onto South Grade Road.
4. Remove storm water ponding areas from proposed building lots.
5. Redesign Eighth Avenue to have a more curvilinear street alignment.
6. Provide a north/south street connection to align with Park Island Drive.
7. Remove one access unto South Grade Road.
8. Applicant must execute a Subdivider's Agreement.

Bill Arndt would like to recommend constructing a trail along South Grade Road.

Brian Sullivan, RLK, presented a redesigned preliminary plat to address City Staff requirements.

Mr. Kirchoff moved to close the hearing, seconded by Mr. Jones the hearing closed at 7:37 p.m. Mr. Kirchoff made a motion to recommend tabling the preliminary plat until the December 21 to allow the staff time to review the revised plat. Seconded by Mr. Westlund. The motion carried unanimously.

Bill Arndt abstained from voting.

d) **CONSIDERATION OF PRELIMINARY PLAT AND CONDITIONAL USE PERMIT TO CONSTRUCT A WALGREENS STORE AT STATE HIGHWAY 7 AND STATE HIGHWAY 15.**

Chairman Wood opened the hearing at 7:39 p.m. with the reading of publication #6083 as published in The Hutchinson Leader on Thursday, November 4, 1999.

Ms. Wischnack said the applicants are proposing two requests: Preliminary plat and conditional use permit. The preliminary plat would provide one lot from the original eight lots. A conditional use permit is required because all uses with the C5 District require a special action.

Staff met to discuss the plan and recommends approval of the conditional use permit with the following conditions:

1. Remove second access (east) from plans.
2. Remove extra parking spaces and revise parking spaces to proper depth.
3. Remove 230 square feet of signage from the plans.
4. Lowest floor of the structure must be 1046.2. An as-built verification will be necessary.
5. Relocation of the utility lines are required at the cost of the owner.
6. Lighting design be changed to incorporate City lighting standards on the perimeter of the site.
7. The owner must provide a copy of the access agreement with the railroad.
8. Landscaping plan be changed to incorporate Forester's recommendations.

Staff also recommends approval of the preliminary plat with the following condition:

1. Appropriate utility easements be dedicated.

Mike Kelser, Told Developer, said they had no problem meeting requirements numbers 2 through 8, but they were asking both accesses onto 4th Ave. NW to State Hwy 7 remain.

Ms. Wischnack said MNDOT has ultimate approval process for the permit for accesses.

John Muske, 71 – 4th Ave NW, said a Walgreen development would increase traffic, and safety hazards. He doesn't think this the best use of this property. It would be difficult for truck traffic to exit on 3rd Ave. and cause safety hazards for the bike trail. He did not recommend approval of a conditional use permit.

Mr. Jones moved to close the hearing, seconded by Mr. Arndt the hearing closed at 7:40 p.m. Mr. Westlund made a motion to recommend approval of the preliminary plat with staff recommendations and with the condition that the access issue on 4th Avenue be resolved prior to the December 14th council meeting. Seconded by Mr. Jones. The motion carried unanimously.

Mr. Westlund made a motion to recommend approval of a conditional use permit request. Seconded by Mr. Kirchoff. The motion carried unanimously.

e) **CONSIDERATION OF CONDITIONAL USE PERMIT TO ALLOW STORAGE OF MATERIALS BY THE CITY OF HUTCHINSON IN THE I/C DISTRICT ALONG HWY 22 SOUTH**

Chairman Wood opened the hearing at 8:41p.m. with the reading of publication #6084as published in The Hutchinson Leader on Thursday, November 4, 1999.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, November 16, 1999

Ms. Wischnack explained the City is requesting an additional conditional use permit to store items within the recently rezoned I/C portion of the compost property. The intention is to store materials integral to the composting/bagging process done at the site, as well as utilizing the wood harvested from the renewable tree screen for additional bio-mass for the process. In addition the I-C area may also include a recreational trail around the perimeter that will be available for non-motorized activities.

Staff recommends approval of the conditional use permit with the following conditions:

1. The indicated materials are the only allowed materials on that portion of the site. Revisions to those items would require a conditional use permit amendment.
2. The planting of buffering materials shall be accomplished by July of 2000.
3. If complaints are received and verified, the City shall have the right to review the conditional use permit.
4. Pretreatment of drainage must occur.
5. The maximum height of the pile size will be limited to 12'.

Robert Anderson, 1545 Hwy 22 S., encouraged the commission to adopt conditions and add height maximum.

Lawrence Winter, Resource Recovery Coordinator, said the City will probably enhance areas D & E. to make a more efficient system financially and environmentally. He explained, the City will put a buffer along easterly border and enhance screen along the highway.

Mr. Arndt moved to close the hearing, seconded by Mr. Jones the hearing closed at 8:41 p.m. Mr. Jones made a motion to recommend approval of the request. Seconded by Mr. Arndt. The motion carried unanimously.

f) **CONSIDERATION OF EXTENSION FOR A CONDITIONAL USE PERMIT (CEDAR CREST)**

Ms. Wischnack said the applicant is requesting an extension of a conditional use permit, which was originally issued on May 25, 1999. The conditional use permit was to construct a 36 unit boarding and lodging residence for the elderly.

Mr. Arndt made a motion to recommend approval of an extension for a conditional use permit. Seconded by Mr. Jones. The motion carried unanimously.

4. **NEW BUSINESS**

5. **OLD BUSINESS**

6. **COMMUNICATION FROM STAFF**

The next planning commission meeting will be December 21st. (Christmas week)
The Hwy 22 bypass meetings have been going well.
Holly Kreft will be starting November 22nd as our new Planning Coordinator.

7. **ADJOURNMENT**

Being no further business the meeting adjourned at 8:56 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, December 21, 1999

1. **CALL TO ORDER 5:30 P.M.**

The meeting was called to order by Chairman Dean Wood at 5:30 p.m. with the following members present: Dean Kirchoff, Dave Westlund, Dean Wood, Bill Arndt, and Jim Haugen. Absent: Jeff Haag and Jeff Jones. Also present: Julie Wischnack, Director of Planning and Zoning; Holly Kreft, Planning Coordinator, and Richard Schieffer, City Legal Counsel.

2. **CONSENT AGENDA**

a) **CONSIDERATION OF MINUTES OF NOVEMBER 16, 1999**

Mr. Westlund made a motion to approve the minutes. Seconded by Mr. Kirchoff. The motion carried unanimously.

3. **PUBLIC HEARINGS**

a) **CONSIDERATION OF **VARIANCE** FOR LOT COVERAGE AND **LOT SPLIT** AS REQUESTED BY PAUL BETKER. (815 & 817 HILLCREST ROAD NE)**

Chairman Wood opened the hearing at 5:35 p.m. with the reading of publication #6094 as published in The Hutchinson Leader on Thursday, December 9, 1999.

Ms. Kreft provided the background information pertaining to the application of lot split and variance by Mr. Betker. Commissioners asked if any of the porch could be built. Staff stated that no it was not possible, since only 37 square feet would be available. Mr. Arndt stated that many times these porches become full residential use. Paul Betker, applicant, stated these lots are short because of the wetland and that was his hardship. The applicant stated that he would like to be granted the variance before the property was sold because the added porches would have higher value. Mr. Kirchoff asked about the lot to the north. Mr. Betker stated that there were no neighbors to have a problem with the variance. Mr. Westlund asked about the lot coverage regulation and why it is necessary. Ms. Wischnack explained that lot coverage is for water quality issues.

Mr. Arndt moved to close the hearing. Westlund seconded. Motion carried unanimously and hearing closed at 5:48 p.m. Mr. Haugen moved to approve the lot split. Mr. Westlund seconded. Ayes 5 Nays 0. Mr. Haugen moved to approve variance. Mr. Kirchoff seconded. Mr. Wood asked about the impact of approving a variance. Mr. Schieffer explained that the lot size is what is questionable, not the wetland. Mr. Schieffer further explained that run-off and stormwater issues are the reasons for the lot coverage requirements. Mr. Schieffer stated there is a cumulative effect of granting this type of variance. Mr. Betker stated that the City told him he could build what he wanted to. Mr. Schieffer stated the owner is responsible for finding out the regulations for a lot before purchasing or developing those lots. Motion carried Ayes 4 Nays 1 (Mr. Wood voting nay.)

b) **CONSIDERATION OF **CONDITIONAL USE PERMIT** TO CONSTRUCT A NEW PARKING LOT AT THE HIGH SCHOOL. (SOUTH OF ROBERTS ROAD AND NORTH OF TENNIS COURTS)**

Chairman Wood opened the hearing at 5:52 p.m. with the reading of publication #6096as published in the The Hutchinson Leader on Thursday, December 9, 1999.

Ms. Wischnack explained request. It is for a faculty parking lot with 87 parking spaces. Mr. Jeff Berdan of 1114 Roberts Road, representing the neighborhood raised the following concerns: need, safety for vehicles and pedestrians, and potential area for students to congregate. He stated that the current parking lots are not being utilized and provided photographs as evidence. Mr. Berdan also stated that there are safety issues both with the proximity of the trail and the reduced visibility created by the parked buses. Ms. Wischnack clarified that staff recommended that the driveway be a right-only exit, but would be a full entrance. Mr. Brian Mohr, Director of Building and Grounds for the school, stated that currently the school uses the Catholic church parking lot. He also stated that by creating a lot for the faculty there would be a possibility of moving the buses to another location. He also stated that the school would issue parking permits for the lot and it would possibly be used as an overflow lot. Mr. Berdan also had other concerns including the potential for students using this lot to congregate after school hours.

Because of the numerous issues discussed, Chairman Wood suggested that there be a meeting between the school and the neighborhood. Ms. Wischnack stated that either staff could meet with the school board or there could be a meeting held with the school officials, staff, and the concerned neighbors. Chairman Wood directed

staff to hold an informational meeting prior to the next Planning Commission meeting.

Mr. Arndt made a motion to recommend table of the request until January 18, 2000 at 5:30 p.m. to allow for a meeting between concerned neighbors, the school, and staff. Seconded by Mr. Kirchoff. The motion carried unanimously.

c) **CONSIDERATION OF REZONING AND CONDITIONAL USE PERMIT FROM R-1 TO C-4 FOR AN AUTO REPAIR CENTER AS REQUESTED BY BERNIE MCRAITH. (AIRPORT ROAD AND STATE HWY 15)**

Chairman Wood opened the hearing at 6:20 p.m. with the reading of publication #6090 as published in The Hutchinson Leader on Thursday, December 9, 1999.

Ms. Wischnack showed the location map and explained that since this property was recently annexed that is zoned R-1 Single Family Residential. There is C-4 zoning to the north of the property and I/C zoning to the south and west. The proposed building would be 40' X 200' and the access would be from County Road 8. The parking lot as shown on the survey would meet the requirements. Staff has the following concerns: city sewer and water are currently almost ¼ mile away which means that the water would need to be treated by a septic system, gas is also not available, and electricity would not be available to next spring or summer. Staff recommends denial of the rezoning because: I/C is more compatible, conditional use permits are required for all uses in the I/C, and the I/C would allow for more variety of uses. Staff also recommends denial of the conditional use permit because of the lack of infrastructure, the precedent for allowing septic systems in city limits, and the area is outside the stage growth plan which leads to "leapfrogging" of city services. Currently the only two other sites within the city that have septic systems are the Meadow Links golf course and the Airport. Mr. Arndt asked if stormwater ponding would be necessary. Ms. Wischnack stated that it would not be based on the proposed plan, but any future expansion may require it.

Mr. McRaith, applicant, stated that he currently owns the Champion Auto building and needs to relocate. He stated that he would rather be rezoned C-4 so that he doesn't have to go through the conditional use process every time. Mr. Arndt asked what the airport zone is in this area. Ms. Wischnack replied that it falls within the "C" which is the least restrictive. Mr. McRaith stated that he didn't feel that berming was necessary since this is a commercial business. Mr. Arndt stated that at the current business there were sometimes 6-10 vehicles stored outside while waiting to be repaired and that he felt they should be stored in back of the building. Staff recommends that bonding and a signed agreement with Mr. McRaith be included should the Planning Commission wish to approve the request.

Mr. Rick Albin, operator of Champion Auto, had three questions for staff and/or the commission. He asked if the staged growth plan was written before the large amount of growth in the area. Ms. Wischnack replied that it was written in 1998 and that it was known that the current businesses would be going into this area. Mr. Albin asked for clarification in the staff report as to what was meant by concern for a negative precedent. Ms. Wischnack explained that this referred to the allowance of septic systems within city limits. Mr. Albin questioned why berming was necessary. Ms. Wischnack explained that this may be a high traffic area and should vehicles be stored outside, berming should be done.

Mr. McRaith stated that if the Planning Commission were more open to rezoning to I/C, he would be willing to change his request. Chairman Wood polled the commission as to their feelings and all members were in agreement that I/C would be a more acceptable zoning. Chairman Wood directed staff to provide the commission with sample agreements for septic systems. Mr. McRaith withdrew both requests and stated that he would reapply for the January 18th meeting. No action was taken by the commission.

4. **NEW BUSINESS**

a) **DISCUSSION OF COMMUNICATION TOWER ORDINANCE AMENDMENT.**

Ms. Krefth presented some information provided by the Minnesota League of Cities on model ordinances dealing with towers. Discussion ensued about different requirements possible for the ordinance. Mr. Bernie Knutson was present to discuss his views on the ordinance and stated that he would like to see the Planning Commission error on the side of safety when considering these issues. The commission directed staff to draw up a preliminary ordinance. They agreed the following items should be considered: co-location search requirement, requirement for monopole towers, setbacks more restrictive in residential areas, requirement of conditional use permit, and addressing of lighting and landscaping issues.

5. **OLD BUSINESS**

a) **DISCUSSION OF REZONING REQUEST BY GREAT PLAINS DEVELOPMENT FOR BRIDGEWATER ESTATES.**

Representatives from RLK Kuusisto were present to discuss the viability of rezoning a portion of the preliminary plat to R-2 for smaller single family homes and twinhomes. They presented a sketch plan showing the proposed area and the reconfigured streets to meet staff's recommendations. The Planning Commission stated that the proposal seemed to meet the concerns that were addressed at the previous meetings.

6. **COMMUNICATION FROM STAFF**

7. **ADJOURNMENT**

Being no further business the meeting adjourned at 8:05 p.m.