

**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, January 21, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Vice Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Vice Chairman Kirchoff. Absent: None Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

Atty. Marc Sebor swore in new Planning Commissioner Farid Currimbhoy

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated December 17, 2002

Mr. Haugen moved to approve the minutes of December 17, 2002 as submitted. Seconded by Mr. Hantge the minutes were approved unanimously.

**3. PUBLIC HEARINGS**

A. CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY HUTCHINSON UTILITIES TO CONSTRUCT A 115kv POWER LINE LOCATED IN THE I1 DISTRICT ALONG CITY LIMITS IN SECTION 5

Vice Chairman Kirchoff opened the hearing at 5:35 p.m. with the reading of publication #6990 as published in the Hutchinson Leader on January 9, 2003.

Ms. Wischnack explained the Hutchinson Utilities Commission is requesting to table the item to the February agenda. They will be changing the route and the request will be a public hearing for the February meeting.

Ms. Otteson moved to table the request to the meeting on February 18<sup>th</sup>. Seconded by Mr. Haugen, the motion carried unanimously.

B. CONSIDERATION OF **CONDITIONAL USE PERMIT AND VACATION OF EASEMENTS** REQUESTED BY HANTGE FUNERAL CHAPEL AND CREMATORY FOR CONSTRUCTION OF ADDITION AND EXPANSION OF PARKING LOT LOCATED IN THE C4 DISTRICT AT 899 HWY 15 SOUTH

Vice Chairman Kirchoff opened the hearing at 5:38 p.m. with the reading of publication #6990 as published in the Hutchinson Leader on January 9, 2003.

Mr. Hantge and Mr. Haugen abstained from voting.

Ms. Wischnack explained the request and the need to vacate utility easements for the parking lot. She commented on the proposed site plan and the traffic issues within the site. She stated the right moving lane needs to be striped as a right turn lane. Ms. Wischnack commented on the Phase I staff recommendations which also required a one-way entrance off Echo Drive. Echo Drive is an emergency route for the hospital and the entrance is very close to the service road. The parking requirements have been met with addition of the new parking lot to the south of the building. Drainage is being addressed on the parking lot with a stormceptor. Stormceptors are a new concept to this area. Emma Dee's restaurant does have one in place. Ms. Wischnack stated ponding would not be greater than ½ foot in a major storm event. She reported staff had concerns with losing trees on the site.

Ms. Wischnack explained the caretaker quarters would be incidental to the principal use of the building. The building should never be remodeled to provide more than one dwelling unit in the building. She stated the crematoria use does not require special permitting from State agencies. The funeral home currently operates a crematoria and to staff's knowledge, the City has not received any complaints regarding this use.

Staff recommends the following conditions:

1. The entrance from Echo Drive must be a one-way to the west and must be marked as such.
2. Any utility relocation would be conducted at the owner's expense.
3. Contact utilities on electric loads.
4. If the building is sprinkled, contact the water department for water service needs.
5. Maintenance of the stormceptor must be addressed.
6. Final engineering calculations and review must be conducted prior to City Council approval.
7. No boulevard trees are required to be removed for this construction.
8. The construction of the caretaker's unit is limited to a single unit. The unit may not be remodeled in the future to provide additional residential units in the structure.
9. The parking lot must be surfaced and striped prior to receiving a certificate of occupancy on the building.

Mr. Hangte, Hantge Funeral Chapel, stated he agreed with the conditions and explained the trees presently around the parking lot will remain. The trees to be removed on the south side of the present building cannot be saved and are not worth saving. He gave a brief history of the Funeral

Home which began in a furniture store. Mr. Hantge stated the Glen Street facility will no longer be used as a funeral chapel and was purchased by Peace Lutheran Church.

Mr. Fraser moved to close the hearing. Seconded by Mr. Flaata the hearing closed at 5:55 p.m. Mr. Fraser made a motion to approve the request with staff recommendations. Seconded by Ms. Otteson, the motion carried with a 5-0 vote and 2 abstaining. Ms. Wischnack stated this item will be placed on the City Council consent agenda on January 28, 2003.

C. CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY DAN HUEBERT TO OPERATE A CONSTRUCTION OFFICE IN THE C5 DISTRICT LOCATED AT 225-3<sup>RD</sup> AVE. NW (FORD ROLFE PROPERTY)

Chairman Arndt opened the hearing at 5:57 p.m. with the reading of publication #6990 as published in the Hutchinson Leader on January 9, 2003.

Ms. Baumetz commented on the request stating it is similar to the request approved for another construction company in September. The applicant has requested parking for the company vehicle and covered trailers on the site. She stated if the unpaved lot is to be used for employee parking there must a hardsurfaced area for the parking. She commented on a letter received by Subway regarding outdoor storage, screened trash dumpsters and tracking mud from the unpaved lot onto the adjoining paved parking lot and alley. Ms. Baumetz stated a neighboring property owner called regarding the hours of operation.

Mr. Huebert, DJM Builders, stated the business is a labor carpenter supplier only and there will be no outdoor storage of supplies. The employees leave from the office at about 5:30 a.m. and return at approximately 6:00 p.m. depending on the location of the job. Meetings are occasionally held at the office one evening a month from approximately 5:30 p.m. to 8:00 p.m. Mr. Huebert stated the foremen generally drive the company vehicles home however there may be times the vehicles will be parked on-site.

Mr. Hantge moved to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 6:06 p.m. Mr. Haugen made a motion to approve the request with staff recommendations adding the 7<sup>th</sup> condition of screening the dumpster. Seconded by Mr. Flaata, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda on January 28, 2003.

Mr. Ford Rolfe, property owner, questioned the need for hardsurfacing parking area if not needed. Ms. Wischnack stated if the employees are able to park in the existing hardsurfaced area there would not be a need for the extra hardsurfacing however they are not allowed to use the grass lot for parking.

**4. NEW BUSINESS**

a) DISCUSSION OF SCOTT PLOWMAN CONDITIONAL USE PERMIT

Ms. Wischnack commented on conditional use follow-up on the Plowman property at 1150 13<sup>th</sup> Ave. NW. She explained a condition of the conditional use permit for expansion of an accessory building on a vacant lot was to construct a house on the lot within one year. The conditional use permit was granted in November 2002 and one year has lapsed. She commented on the letter received from Mr. Plowman explaining his misunderstanding of the condition.

Atty. Sebora commented on his review of the request and his opinion including four possible action the Planning Commission might consider the matter as follows:

1. Revoke the conditional use permit and require the dismantling of the storage building or at least the addition to that building which had previously been authorized.
2. Grant and extension of an additional year for a residence to be built on the property
3. Require a restriction on the deed or create a covenant for the parcel requiring that a home be constructed on the premises should the parcel ever be conveyed.
4. Conveying both this parcel and the adjoining parcel to one landowner, thereby eliminating the need for the construction of an additional parcel. (Therefore, in effect, undoing the previous lot split that was done involving this parcel).

Mr. Plowman explained the original purchase and the lot split from the Daniels property. He stated he did abide by the conditions set forth by the Planning Commission and City Council but misunderstood the condition to build a house on the property. He explained he does not plan on building a house on the property.

Mr. Hantge asked Mr. Plowman what he would like the Planning Commission to require of him. Mr. Plowman stated a restriction on the deed would be his request.

Mr. Hantge moved to table the action to the February meeting for more information. Seconded by Mr. Currimbhoy, the motion carried unanimously. Atty Sebora will provide information on the action requiring a deed restriction. A draft deed restriction will be mailed to the Plowman's before the meeting February 18<sup>th</sup>.

**5. OLD BUSINESS**

**6. COMMUNICATION FROM STAFF**

Ms. Wischnack commented on items for the February meeting agenda.

Ms. Otteson commented on a Wetland Seminar to be held in Willmar on February 18<sup>th</sup>. She asked if other Planning Commissioners would like to attend.

**7. ADJOURNMENT**

There being no further the meeting adjourned at 6:40 p.m.

**MINUTES  
HUTCHINSON PLANNING COMMISSION  
Tuesday, February 18, 2003  
Hutchinson City Council Chambers**

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

The meeting was called to order by Vice Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Vice Chairman Kirchoff. Absent: None Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

**2. ELECTION**

A) ELECTION OF OFFICERS

Mr. Hantge nominated Mr. Kirchoff as Chairman and Mr. Fraser as Vice Chairman. Mr. Haugen moved nominations cease. Seconded by Ms. Otteson nominations ceased and Mr. Kirchoff was elected Chairman and Mr. Fraser was elected Vice Chairman by a unanimous vote.

**3. APPROVAL OF MINUTES**

A) Consideration of Minutes dated January 21, 2003

Mr. Haugen moved to approve the minutes of January 21, 2003 as submitted. Seconded by Mr. Currimbhoy. The minutes were approved unanimously.

**4. PUBLIC HEARINGS**

A. CONSIDERATION OF **PRELIMINARY PLAT AND REZONING** SUBMITTED BY HUTCHINSON LAND HOLDINGS (SHIMEK PROPERTY)

Chairman Kirchoff opened the hearing at 5:35 p.m. with the reading of publication #7002 as published in the Hutchinson Leader on February 6, 2003.

Ms. Wischnack commented on the request for a Preliminary Plat and rezoning the entire plat to R2. The developers have decided not to request a PDD. The zoning will be straight R2 zoning. Ms. Wischnack stated there will be 95 single and two family lots in the plat. She stated a plat name will is required on the Final Plat. She explained Edmonton Ave. is not presently constructed. Ms. Wischnack explained no driveway may access onto Edmonton Ave. or Jefferson St. She stated a turn lane is

suggested on Jefferson St. Issues discussed were the wetland area and stormwater ponding, grading and turf establishment (maintaining Outlot A) weed control with one contact person the City may call and the fee schedule. Ms. Wischnack commented on the staff recommendations as follows:

- 1 The plat must be named.
- 2 Staff will work with the developer to establish Street names.
- 3 The wetland mitigation document and approval from Roger Berggren must be submitted.
- 4 A phasing plan, by year, must be submitted.
- 5 A maintenance company must be identified to take care of the property prior to homes being constructed in the area.
- 6 A bond or letter of credit must be submitted at the time of subdivision agreement execution.
- 7 The escrow must be submitted prior to construction.
- 8 Other fees will be collected at the time of building permit.
- 9 The plat must reflect 6 foot side yard easement areas.
- 10 A south bound, right turn lane should be added to the grading plan.
- 11 The Final Plat will not be considered until the City Council has approved proceeding with the Edmonton Avenue project.

Mr. Paul Betker, property owner, questioned the 7% cash escrow required by the City. Ms. Wischnack explained 1% may be excluded if the developer would apply and receive affordable housing status with the HRA.

Ms. Wischnack stated a twelfth condition should be adding regarding the tile line agreement being signed by the owners prior to final plat approval.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 5:50 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations adding #12 regarding the tile line agreement. Seconded by Mr. Fraser, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held February 25, 2003 in the Council Chambers at 5:30 p.m.

B. CONSIDERATION OF **LOT SPLIT AND VARIANCE** REQUESTED BY DAVID BROLL ON PROPERTY LOCATED AT 216 LINDEN AVE. SW.

This item was withdrawn by Mr. Broll. Ms. Wischnack stated there was previous communication from Mr. Broll stating he would plant trees along the north property line when his development was completed.

C. CONSIDERATION OF **CONDITIONAL USE PERMIT**  
REQUESTED BY MENARDS TO CONSTRUCT A FENCE 14  
FEET IN HEIGHT AND OUTDOOR STORAGE AND DISPLAY  
AREA LOCATED AT 1525 MONTREAL STREET SE

Chairman Kirchoff opened the hearing at 5:53 p.m. with the reading of publication #7000 as published in the Hutchinson Leader on February 6, 2003

Ms. Wischnack commented on the request and stated this is an amendment to the original Conditional Use Permit. She stated the plan indicates a cold storage warehouse to be located on the north end of the present building. She commented on the detail design plans and the emergency access concerns. She reported on the City Forester's recommendations regarding species of trees to be planted. Ms. Wischnack commented on the following staff recommendations:

1. The site plan dated 12/05/02 shall be followed. Any deviations to the site plan, must be approved by the City, prior to construction.
2. The City Forester's request for change in one of the species shall be followed.
3. The conditional use permit is valid for a period of six months, from the date of approval.
4. The applicant must provide detailed building drawings for the building department to review.
5. The City has outstanding issues relating to the road improvements for the project and drainage to the south of the existing fence. These problems must be resolved and the City reserves the right to withhold permitting or certificate of occupancy for the construction.

Ms. Wischnack stated the applicant requested #3 should be changed to one year from six months.

Discussion followed on the drainage issues on the south side of the property. There was also discussion on the traffic flow from the north end of the site.

Mr. Prochaska, Menards, explained the request to include a garden center on the south end of the building. He stated they would sell live plants in the Spring and Christmas trees in the winter. He commented on the roof line and fence changes.

Ms. Wischnack explained the warehouse is taller than the fence. Mr. Prochaska stated access to the garden center is walk through

Discussion followed on fire department access to the warehouse and proposed parking on the north side of the building for customers or employees.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6.05 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations changing #3 to indicate one year. Seconded by Mr. Haugen, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held February 25, 2003 in the Council Chambers at 5:30 p.m.

**D. CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY HUTCHINSON UTILITIES COMMISSION FOR CONSTRUCTION OF POWER LINE LOCATED IN THE I1 DISTRICT ALONG CITY LIMITS IN SECTION 5 (LUCE LINE TRAIL)**

Chairman Kirchoff opened the hearing at 6:07 p.m. with the reading of publication #7001 as published in the Hutchinson Leader on February 6, 2003

Ms. Wischnack explained the placement of the power line within the City limits. She explained Great River Energy will apply for the Conditional Use Permit for the portion of line in the Joint Planning Area.

Don Nelson, Hutchinson Utilities, explained the need to change the routing of the line from the request in January. He stated the previous route crossed more private properties. Now they will be using more public right of way.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Hantge, the hearing closed at 6.15 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Flaata, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held February 25, 2003 in the Council Chambers at 5:30 p.m.

At this time, Ms. Wischnack asked Chairman Kirchoff to proceed to the new business items since there were persons in attendance to discuss their requests.

**5. NEW BUSINESS**

**A. CONSIDERATION OF CONDITIONAL USE PERMIT VIOLATION LOCATED AT 1150-13<sup>TH</sup> AVE. NW**

Ms. Wischnack commented on the discussion from last month and asked the Planning Commissioners for their decision to proceed with enforcement of this matter.

Chairman Kirchoff commented on the 4 options given by City Atty. Marc Sebora at the January meeting. He questioned the draft proposed by the Plowman's and submitted at this meeting.

Atty. Sebora stated the Plowman draft would accomplish the same purpose. He stated he would change the recording in #3 to state the City would record the covenant.

Ms. Otteson commented on the use of a covenant or quit claim deed and stated that #2 of the covenant addresses the third party heirs.

Atty. Sebora explained the covenant maintains there would be no residence until one year after the property is conveyed to another party.

Mr. Fraser made a motion to approve granting one year to construct a house on the property. The motion failed for lack of a second.

Mr. Flaata made a motion to approve Atty. Sebora's deed restriction, seconded by Mr. Haugen. The motion carried with Mr. Fraser voting nay. The vote was 6 ayes to 1 nay. Ms. Wischnack stated this item will placed on the City Council regular agenda from their decision on February 25, 2003.

**B. CONSIDERATION OF FINAL PLAT TO BE KNOWN AS STEARNS WOODS LOCATED WEST OF HONEY TREE ROAD**

Ms. Baumetz commented on the request for a Final Plat and reminded the Planning Commissioners of the background leading to the plat. She commented on the proposal for Park Island Drive and the bonding for street improvements with assessment costs against the property involved. She commented on the following staff recommendations:

1. A subdivision agreement must be executed prior to commencement of construction.
2. The outlots will never be deemed buildable parcels of property.
3. Further subdivision of the property will require a replatting process.
4. Further subdivision must coincide with Park Island Drive connecting to the east.

Mr. Fraser abstained from voting. Ms. Otteson made a motion to approve the request with staff recommendations. Seconded by Mr. Haugen the motion carried. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held February 25, 2003 in the Council Chambers at 5:30 p.m.

**C. PRESENTATION OF CONCEPTUAL PLAN OF NAUSTDAL/SORENSEN DEVELOPMENT EAST OF ROLLING MEADOWS PLAT**

Ms. Wischnack commented on the plan and the history of the property. She stated the development is approximately 25 acres. She stated the Greater Minnesota Housing fund is helping to design the development and are requiring the alley concept on a portion of the development. This will create a few narrow lots at 55 feet. The property will be rezoned to R3 which requires 60 foot wide lots. The developers will request the property be placed in a Planned Development District to allow for the

narrow lots. Ms. Wischnack reported there will be twin homes on the south edge of the development.

Discussion followed regarding walking paths along Golf Course Rd.

Diane Sorensen, Naustdal/Sorensen, stated the garages will access from the back onto the alley. She stated Greater MN is trying to obtain a front porch type neighborhood in the middle portion of the development. Sidewalks will lead to the one acre park area. Ms. Sorensen explained the Greater MN Housing funding will help keep houses affordable. She stated there will be a housing mixture throughout the development. Twin homes will buffer the commercial district to the south.

Consensus of the Planning Commission is to move forward with the project.

### **PUBLIC HEARINGS - CONTINUED**

#### **E. CONSIDERATION OF AMENDMENT TO SIGN ORDINANCE REGARDING SANDWICH BOARD SIGNS**

Chairman Kirchoff opened the hearing at 6: 55 p.m. with the reading of publication #7003 as published in the Hutchinson Leader on February 6, 2003.

Ms. Wischnack commented on the proposal stating there are presently sandwich board signs in use in the City. She reported the Downtown Association began discussions on the need for regulation of the boards and regulation should include all areas of the City. Discussion followed on the use of some proto-type signs. She then reviewed the proposed ordinance with the Commissioners stating the permit costs may range between \$10 - \$15.

Atty. Sebor commented on the claims to the City by citizens tripping on the sidewalks. He suggested adding a statement naming the City of Hutchinson on the insurance yearly with the permit. The business must supply a copy of the declaration to the City.

Ms. Wischnack commented on the survey sent to businesses regarding sandwich board sign usage. There was a high return of the surveys.

Consensus of the Planning Commission was not to use proto-type signs but allow businesses to individualize their boards.

Mr. Hantge moved to table this item to next month. Seconded by Mr. Haugen the motion carried unanimously. Ms. Wischnack stated temporary and portable signs will be researched for a future meeting.

Mr. Hantge left the meeting at 7:20 p.m.

F. CONSIDERATION OF **AMENDMENT** TO THE FLOOD PLAIN ORDINANCE REGARDING THE OFFICIAL MAPS

Chairman Kirchoff opened the hearing at 7:20 p.m. with the reading of publication #7004 as published in the Hutchinson Leader on February 6, 2003.

Ms. Baumetz commented on the ordinance change required by the State.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 7:22 p.m. Mr. Haugen made a motion to recommend approval of the request. Seconded by Ms. Otteson, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held February 25, 2003 in the Council Chambers at 5:30 p.m.

G. CONSIDERATION OF **AMENDMENT** TO THE SUBDIVISION REQUIREMENTS SECTION 12.4 ADDING SUBD. 5.5 (TREE REQUIREMENTS IN NEW SUBDIVISIONS)

Chairman Kirchoff opened the hearing at 7:29 p.m. with the reading of publication #7005 as published in the Hutchinson Leader on February 6, 2003.

City Forester Mark Schnobrich commented on the request. He stated previously the City provided the boulevard trees and the maintenance of the trees. He reported research of other communities is very diverse in boulevard tree planting. He reviewed the proposed ordinance with the Commissioners stating as developments are completed the city will plant and maintain the trees. Developers would now be responsible to escrow monies to purchase the trees. He stated this ordinance would secure funding for future boulevard trees.

Discussion followed on the possibility of creating a City nursery. Mr. Schnobrich stated that type of a project would not be cost effective for the City.

There was discussion on the previously proposed soil amendment ordinance. A consensus followed to incorporate some soil adjustment to the boulevards along with the tree planting if needed.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 7:59 p.m. Mr. Fraser made a motion to recommend approval of the request incorporating verbage regarding soil adjustment. Seconded by Ms. Otteson, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held February 25, 2003 in the Council Chambers at 5:30 p.m.

**5. COMMUNICATION FROM STAFF**

- a) Year end report – Ms. Wischnack stated staff will mail the Commissioners the Year end Planning, Zoning and Building Report.

**6. ADJOURNMENT**

There being no further the meeting adjourned at 8:05 p.m.

**MINUTES  
HUTCHINSON PLANNING COMMISSION  
Tuesday, March 18, 2003  
Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Chairman Kirchoff. Absent: Also present:- Julie Wischnack, AICP, Planning Director and Bonnie Baumetz, Planning Coordinator

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated February 18, 2003

Mr. Haugen moved to approve the minutes of February 18, 2003 as submitted. Seconded by Ms. Otteson. The minutes were approved unanimously.

**3. PUBLIC HEARINGS**

a) CONSIDERATION OF **PRELIMINARY PLAT** TO BE KNOWN AS RAVENWOOD WEST AND **REZONING** THE PLAT FROM R1 AND C2 TO R2, SUBMITTED BY ROGER DERRICK, VILLAGE HOMES OF HUTCHINSON

Chairman Kirchoff explained this item has been asked for a delay by the applicant to be placed on the agenda at a later date.

b) CONSIDERATION OF **AMENDMENT** TO SIGN ORDINANCE REGARDING SANDWICH BOARD SIGNS

Chairman Kirchoff reopened the hearing at 5:37 p.m. with the reading of publication #7003 as published in the Hutchinson Leader on February 6 and February 11, 2003.

Ms. Wischnack explained the request and the definition changes to include "no moving parts". She again commented on the ordinance and the need to have regulations in place. She reminded the Commissioners of the fact the ordinance will take effect on June 1, 2003 and there will be no grandfathering permitted.

Discussion followed on clarification of the permits being valid for one year. Ms. Wischnack explained the ordinance would reflect a calendar year from January 1<sup>st</sup> to December 31<sup>st</sup>. She also explained if a business

owner received a permit in the middle of the year it must be renewed on December 31<sup>st</sup>. Ms. Wischnack stated she will ask the City Council to approve a permit fee of \$15.00.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 5:50 p.m. Mr. Hantge made a motion to recommend approval of the request with staff recommendations noting the changes discussed regarding movable parts and City of Hutchinson named an insured on the policy. Also the addition of language defining calendar year. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held March 25, 2003 in the Council Chambers at 5:30 p.m.

c) **CONSIDERATION OF AMENDMENT TO SIGN ORDINANCE REGARDING PORTABLE /TEMPORARY SIGNS**

Chairman Kirchoff opened the hearing at 5:51 p.m. with the reading of publication #7013 as published in the Hutchinson Leader on March 6 and March 11, 2003.

Ms. Wischnack stated the need for a revised portable sign ordinance was initiated at the Planning Staff meeting. She commented on the changes to clarify the ordinance and permit the signs with a special permit. She stated she will ask the City Council to approve a \$25.00 fee for the permit and a \$200.00 deposit to be refunded if the sign is removed within seven days of the permit date, insuring removal.

Discussion followed on auction signs. The consensus is auction signs are similar to real estate signs.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 5:55 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held March 25, 2003 in the Council Chambers at 5:30 p.m.

**4. NEW BUSINESS**

Year End Report – Ms. Wischnack commented on the 2002 Year End Report pointing out number of permits, planning issues and objectives for 2003.

**5. OLD BUSINESS**

**6. COMMUNICATION FROM STAFF**

a) Crow River meeting – Ms. Wischnack reported on the meeting she attended regarding the Crow River. She stated there were over 40

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persons in attendance and the discussion lead to forming a river and lake association.

- b) April agenda items – Ms. Baumetz commented on several agenda items for April which include an annexation request, preliminary plats, variances and conditional use permits.

c) **ADJOURNMENT**

There being no further business the meeting adjourned at 6:10 p.m.

**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, April 15, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Chairman Kirchoff. Absent: Brandon Fraser Also present: Julie Wischnack, AICP, Planning Director and Bonnie Baumetz, Planning Coordinator

Chairman Kirchoff asked for an acting Vice Chairman in the absence of Brandon Fraser. He will be abstaining for one of the public hearing items. Jim Haugen agreed to serve as Acting Vice Chairman.

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated March 18, 2003

Mr. Haugen moved to approve the minutes of March 18, 2003 with revisions. Seconded by Ms. Otteson. The revised minutes were approved unanimously.

**3. PUBLIC HEARINGS**

A. CONSIDERATION OF **PRELIMINARY PLAT** TO BE KNOWN AS RAVENWOOD WEST AND **REZONING** THE AREA TO R2 (SINGLE AND TWO FAMILY RESIDENTIAL)

Chairman Kirchoff opened the hearing at 5.35 p.m. with the reading of publication #7020 as published in the Hutchinson Leader on April 3, 2003.

Ms. Wischnack commented on the history of the site and the previous zoning. She stated the 21.47 acre parcel was annexed to the city in 1998. She commented on the issues of the property in the airport zone B which is a conditionally buildable zone. Ms. Wischnack commented on the Preliminary Plat and updated the Planning Commission on the following conditions requested by staff:

1. The developer must provide covenants which indicate and explain the Airport Zoning restrictions and the building plot areas. (Ms. Wischnack explained the covenants must enclose exactly what the property owner can and cannot construct on the lot.)
2. The homeowners association documents indicating the long term maintenance responsibilities of the ponding and ditch

- areas. (This has not been received. The document must state who is responsible for mowing the ditch area. Ms. Wischnack stated the City will only dredge the ditch when needed.)
3. The twin homes may not be constructed until Bluejay Drive is constructed and the ponding improvements area complete. (There are no issues with this requirement.)
  4. There needs to be added right of way on the southern portion of the plat. (This revision has not been received by the City.)
  5. The grading plans must indicate extra erosion control around the pond to the north. (This has been changed.)
  6. The grading plan must indicate house types for the lots. (The grading plan does not offer the lowest floor elevations. There is concern from the building department regarding the soil correction and verification from a soils engineer that the sites are suitable for construction. These concerns stem from outstanding issues with the movement of the dirt in the area. The compaction of the pad areas is very uncertain.)
  7. The sanitary sewer line issue must be resolved. (This has been addressed.)
  8. The ditch redesign must be acceptable to the City Engineer. (The ditch redesign has been discussed with the Engineer, however the revised document does not reflect the changes.)
  9. The pond shelf requirements must be revised. (This has been revised.)
  10. Easements in areas of water, sewer and storm sewer lines must be enlarged to provide a means of access for maintenance and eventual reconstruction of the lines. (It is possible the City will need between 20 –25 feet for space to access the lines that are located on property lines.)
  11. A developer's agreements must be approved prior to final plat approval. (This is not an issue at this time.)
  12. Fees and bonding are due prior to commencement of construction at the property. (The City is of the impression that all improvements will be conducted privately and has indicated the procedures for this. Excluding Blue Jay, which would be conducted as a City project and assessed to the property.)
  13. The hydrant locations and separations must be addressed. (It was discovered, after the last report, that the hydrant locations

are more than 400 feet apart. There may not be more than 400 feet between the locations.)

Ms. Wischnack stated one option is to table the request until all questions are answered.

Mr. Hantge voiced his concerns with the density of residential units near the airport.

Mr. Roger Derrick, property owner, commented on his narrative to explain the concerns and issues. He explained the unit designs and the management of the commons areas by association. He stated the easement between Lots 1 and 2 to serve the single family lots will be 20 feet. Mr. Derrick explained he understood the changes could be made on the final plat.

Chairman Kirchoff asked Mr. Derrick to comment on each of the items listed from Staff.

Mr. Derrick stated his cover letter explains the covenant statement. He stated language will also be included in the deed and purchase agreement. He explained the large book of documentation will be complete at the approval of the preliminary plat. He stated the homeowners association document does spell out the maintenance of the lots. Discussion followed on confusion when single family and townhouses are constructed in the same area. Mr. Derrick stated the single family lots will maintain Outlot A which will include a picnic area. The homeowners association will include that language in the documents.

Ms. Wischnack stated there are concerns regarding the landscape consistency by each property owner along the ditch. Mr. Derrick stated language will be added to address the issue. He addressed the grading issues on the site and stated his Engineer will adjust the plat as requested by staff.

Mr. Hantge made a motion to table the hearing until the issues are addressed. Seconded by Mr. Haugen. The hearing was tabled until the issues are addressed to staff satisfaction.

B. CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY L&P SUPPLY LOCATED AT 1470 SOUTH GRADE RD

Ms. Otteson made a motion to table this item to the May meeting. The property owner was not present for this public hearing. Seconded by Mr. Haugen. The hearing was tabled until May.

C. CONSIDERATION OF **PRELIMINARY PLAT** TO BE KNOWN AS WENDY'S ADDITION AND **CONDITIONAL USE PERMIT** FOR DRIVE-THRU AREA, MINOR FLOOD PLAIN ALTERATIONS AND THE SHORELAND ALTERATIONS LOCATED AT 1190 HWY 7 W

Chairman Kirchoff opened the hearing at 6:20 p.m. with the reading of publication #7022 as published in the Hutchinson Leader on April 3, 2003.

Ms. Wischnack explained the request for a two lot Plat and Conditional Use Permit to permit the drive-thru, make flood plain alterations and shoreland alterations. She commented on the service road changes and explained the Super America access. She stated the area to be developed does not require NURP ponding, however a new concept will be to construct a rain garden (depression to hold run-off). She explained the grading to realign the trail in the area. Proper siltation measures will be required during construction. She reported on the DNR comments and stated the City Forester is satisfied with the planting proposed. She explained the fees associated with the development and stated the City will maintain Outlot A outside of the rain garden.

Ms. Wischnack explained staff will approach Super America regarding realignment of their entrances.

Discussion followed on the area and how it can be made more pedestrian friendly. There was also discussion on the rain garden concept and the proposed trail.

Christine Moss, Landform, stated the path will be constructed with a 5% slope according to ADA standards.

Rick Janssen, Wendy's International, stated there will be two rain gardens on the plat. Ms. Wischnack stated the City will maintain only the rain garden on Outlot A, excluding the actual replanting or original plantings of the garden. Ms. Moss explained the drainage pattern from the rain gardens stating the velocity will be reduced from the present drainage flows. Ms. Wischnack stated the drainage must meet predevelopment conditions or better.

A representative from Burger King commented on his concerns with the traffic at the intersection of School Rd and Hwy 7. He asked how the increased traffic will be handled. Ms. Wischnack explained the existing problems with the intersection and stated the new plan should be an improvement with an added right turn lane onto the new frontage road.

Discussion followed on the placement of the new frontage road and the stacking to alleviate some blocking of the intersections.

Mr. Plaisance, Hutch Bowl, also is concerned with the ability to turn left onto School Rd. He stated now there will be 3 lanes of traffic to watch.

There was discussion on the entire plan for the intersection which will be many years in the future. Ms. Wischnack stated this is a somewhat better plan for the present situation and that our future opportunities to address the intersection are apparent at this time.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Hantge. The hearing closed at 6:50 p.m. Mr. Haugen made a motion to recommend approval of the Preliminary Plat with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried unanimously. Mr. Haugen made a motion to recommend approval of the Conditional Use Permit with staff recommendations. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting to be held April 22, 2003 in the Council Chambers at 5:30 p.m.

D. CONSIDERATION OF **VARIANCE** REQUESTED BY HUTCHINSON HOSPITAL TO REDUCE SETBACK FROM FREEMONT AVENUE FOR ADDITION TO THE HOSPITAL ICU AREA

Chairman Kirchoff opened the hearing at 6:55 p.m. with the reading of publication #7023 as published in the Hutchinson Leader on April 3, 2003.

Chairman Kirchoff abstained from voting. Mr. Haugen acted as Vice Chairman.

Ms. Baumetz explained the request by the hospital for a variance to reduce the setback from Freemont Avenue from 25' to 4' for a portion of the building. She stated the hardship being no alternative for the ICU unit and the building was constructed before the present zoning ordinance was in place. She commented on the conditions recommended by staff which were as follows: 1. Construction must follow the plans submitted, dated March 3, 2003. If changes occur with the plan, that further encroachment into the setback, the plan must be again reviewed. 2. The emergency access to the east of the addition shall not be impacted. 3. Plantings or other landscape improvements must be approved by the City Forester prior to placement. 4. The approval does not allow future additions to be placed up to 4 feet from the right of way and would require future variance approvals.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Hantge the hearing closed at 7:00 p.m. Mr. Hantge made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Flaata. The motion carried unanimously with Chairman Kirchoff abstaining. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting to be held April 22, 2003 in the Council Chambers at 5:30 p.m.

E. CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY KARRIE INGEBRETSON TO REMOVE EXISTING NON-CONFORMING GARAGE AND REPLACE 2.2 FEET FROM ALLEY LOCATED AT 415 FRANKLIN STREET SW

Chairman Kirchoff opened the hearing at 7:02 p.m. with the reading of publication #7024 as published in the Hutchinson Leader on April 3, 2003.

Ms. Baumetz commented on the request to remove an existing non-conforming garage and replace it with a 2 car garage. She explained the requirement for a Conditional Use Permit for replacement garages in this district. She commented on the recommendations of staff as follows:

1. Home occupations are not allowed in an accessory building.
2. Removal or relocation of services will be at owner's expense. (There are some utilities directly north of the existing garage.)
3. Garage height must not be more than 16'.
4. Driveway areas must be at least 5 feet from the side property lines.

Ms. Baumetz explained a firewall must be added between the garage and the porch attached to the garage.

Ms. Wischnack clarified home occupations for the Commission, that an accessory building may not be used, exclusively, for a business.

Discussion followed on the height of the garage.

Chairman Kirchoff made note of two letters in support of the request by neighboring property owners.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 7:10 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations adding the requirement of a firewall between the porch and garage area. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting to be held April 22, 2003 in the Council Chambers at 5:30 p.m.

F. CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY CITY OF HUTCHINSON PARK DEPARTMENT TO CONSTRUCT A 24'X24' STORAGE GARAGE ON PARK PROPERTY LOCATED IN THE 100 YEAR FLOOD PLAIN AT ROBERTS PARK, 1600 ROBERTS ROAD SW

Chairman Kirchoff opened the hearing at 7:12 p.m. with the reading of publication #7028 as published in the Hutchinson Leader on April 3, 2003.

Ms. Wischnack commented on the request for the garage to be placed in the flood way and explained the requirements and discussions with the DNR. She stated park use is allowed in the flood plain. She explained the staff recommendations regarding the size and height of the building. She also commented on the recommendations by the DNR.

Discussion followed on the existing concession stand at the ball park. Dolf Moon, Director of Park and Recreation, stated the concession stand was constructed before the regulations in place today as part of a LAWCON grant. He explained the garage will be constructed as a joint effort between the school district and the city. The high school

construction class will build the building in exchange for field use by the school. The building will be used for storage of maintenance equipment.

Mr. Flaig, 525 Lakewood Drive, stated he is opposed to the request. He stated residents are not allowed to place accessory buildings on vacant lots. He stated the City should leave the park as a park and not clutter it with buildings.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 7:20 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy. Ms. Otteson explained the Commissioners do take comments from the public into consideration. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting to be held April 22, 2003 in the Council Chambers at 5:30 p.m.

#### **4. NEW BUSINESS**

##### **A. CONSIDERATION OF PETITION TO BEGIN ANNEXATION OF PROPERTY BY RESOLUTION LOCATED IN LYNN TOWNSHIP**

Ms. Wischnack commented on the annexation process and this case being an Orderly Annexation will be by resolution which does not require a public hearing or township review. She explained the proposal and the location of the request. The property does abut city limits.

Ms. Wischnack explained the Comprehensive Plan's Staged Growth plan for the parcel to occur between 2010 and 2015. Sewer and water access to the property are not available at this time. She stated there are plans to extend a major trunk line from the east to this area and beyond in the future. She reported concerns of staff which include the proximity to the airport, the comprehensive plan shows ag business planned for the area, over bonding to construct the trunk line and the staff believes annexation is premature at this time.

Mr. Flaata asked what an ag business might be. Ms. Wischnack stated landscaping businesses, horticultural business, commercial sale of ag equipment.

Discussion followed on the main trunk line needed to service the area and the cost of the line.

Mr. Frank Fay, realtor, stated they began looking at the project a year ago. He stated at that time Mr. Rodeberg stated there was a 50/50 chance of the construction of the line in 2003.

Mr. Robert McManus, developer, stated he would not begin development of the property until 2004 – 2005. He explained it would possibly take 5 to 7 years to develop this area. He commented on being proactive in

development of the city. He commented on the type of single family residential developments he is proposing. Mr. McManus stated if a lift station is necessary he will pay his share of the costs.

Discussion followed on the ag related businesses in that area and the concerns with residential development in proximity to the airport.

Mr. McManus stated residential will spread costs of the trunk line. Ms. Wischnack stated there will be much City participation when the line is constructed.

Ms. Otteson made a motion to recommend the annexation. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Wischnack stated the request will be placed on the City Council consent agenda at their meeting to be held on April 22, 2003 in the Council Chambers at 5:30 p.m.

B. CONSIDERATION OF REQUEST BY GENE EBNET TO **EXTEND VARIANCE** GRANTED ON PROPERTY LOCATED AT 106 GARDEN ROAD

Ms. Baumetz commented on the request for an extension of the variance which would also include the staff recommendations from the previous approval.

Mr. Currimbhoy moved to approve the request with staff recommendations. Seconded by Mr. Haugen. The motion carried unanimously.

C. DISCUSSION OF REGULATIONS REGARDING RESIDENTIAL DOG KENNELS

This item was tabled to the May meeting.

5. **OLD BUSINESS**

A. DISCUSSION OF REQUEST BY DAVID BROLL REGARDING PLANTING REQUIREMENT AT 902 HWY 15 S

Ms. Baumetz explained the history of the properties involved and the request by Mr. Broll to not plant trees on the North end of his commercial property.

City Forester Mark Schnobrich, commented on the lapse in time since 1995. He stated all commercial property must be screened from residential property in the city.

Mr. Haugen directed staff to work with Mr. Broll to provide trees as required in 1995. Seconded by Mr. Hantge the motion carried.

**6. COMMUNICATION FROM STAFF**

- a) Staff will research cities regarding developments near airports.
- b) John Rodeberg will be asked to the May meeting to explain the proposed roundabouts for Hutchinson.

**7. ADJOURNMENT**

There being no further the meeting adjourned at 7:45 p.m.

**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, May 20, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Chairman Kirchoff. Absent: None Also present: Marc Sebor, City Attorney, Bonnie Baumetz, Planning Coordinator and Jake Wegner, EDA Intern

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated April 15, 2003

Mr. Haugen moved to approve the minutes of April 15, 2003 as submitted. Seconded by Mr. Currimbhoy. The motion carried unanimously.

**3. PUBLIC HEARINGS**

a) CONSIDERATION OF **PRELIMINARY PLAT** TO BE KNOWN AS RAVENWOOD WEST AND **REZONING** THE AREA TO R2 SUBMITTED BY ROGER DERRICK

Chairman Kirchoff reopened the hearing at 5:35 p.m. with the reading of publication #7020 as published in the Hutchinson Leader on April 3, 2003.

Ms. Baumetz presented Mr. Roger Derrick's narrative of the plat. All city requirements have been met. John Rodeberg and Roger Derrick have agreed that there should be no building permits to be granted until city services can be made available with the exception of a model home.

Motion was made by Ms. Otteson to act to rezone the specified area to R2 (Single and Two Family Residential). Seconded by Mr. Haugen. The item will go to the City Council next week.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson. The hearing closed at 5:43 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations adding no building permits will be granted until services are available with the exception of one model home. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council Consent agenda at their meeting held May 27, 2003 in the Council Chambers at 5:30 p.m.

b) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY L&P SUPPLY LOCATED AT 1470 SOUTH GRADE RD

Chairman Kirchoff reopened the hearing at 5:45 p.m. with the reading of publication #7021 as published in the Hutchinson Leader on April 3, 2003.

Ms. Baumetz explained L&P was originally an R1 zoned area and have been rezoned to C2. They are requesting to put up a sign which initiates the need for a conditional use permit for the outdoor display area.

Hutchinson City Attorney Mark Sebora, stated that he has contacted the McLeod County Engineer and they have approved planting in the right of way. The staff recommends plantings at the NE side of the property and eventually across the North side of the property to the West line.

L&P indicated that they would eventually like to construct a security fence on the premises. This permit would allow for landscaping.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Flaata. The hearing closed at 5:55 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council Consent agenda at their meeting held May 27, 2003 in the Council Chambers at 5:30 p.m.

c) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY THE CITY OF HUTCHINSON PARKS DEPARTMENT TO RESTORE LAND IN THE FLOOD WAY AND FLOOD PLAIN

Chairman Kirchoff opened the hearing at 5:56 p.m. with the reading of publication #7041 as published in the Hutchinson Leader on May 8, 2003.

The request already has approval but needs a conditional use permit that allows for rerouting the commercial trail along 2<sup>nd</sup> Ave., which includes the reshaping of the banks and other measures. It was stated by Mr. Rodeberg that the goal is a more habitat-friendly and aesthetically-pleasing river. Staff recommends approval for the request.

Deane Dietel of 845 2<sup>nd</sup> Ave. spoke at the meeting and voiced his concern about his property, specifically the riverbank. He stated that he has lost four trees since owning the property to the river and the riverbank collapsing.

Mr. Rodeberg suggested rip-wrapping the area, although admitting that this may collect debris and some garbage in the river.

Dean Kirchoff suggested that someone contact Mr. Dietel and keep him informed as to when possible improvements can be made.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Plaata. The hearing closed at 6:05 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council Consent agenda at their meeting held May 27, 2003 in the Council Chambers at 5:30 p.m.

**4. NEW BUSINESS**

a) CONSIDERATION OF **FINAL PLAT** TO BE KNOWN AS WENDY'S ADDITION

There was discussion about vegetation on land and it was determined that Outlot A is to belong to Wendy's.

Bruce VanRoekel, the construction manager of Wendy's spoke about he time frame for construction and stated that he is confident that construction can be completed by the middle of September, provided that good weather is a given.

Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Fraser. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council Consent agenda at their meeting held May 27, 2003 in the Council Chambers at 5:30 p.m.

b) PRESENTATION BY JOHN RODEBERG ON "ROUNABOUTS"

Mr. Rodeberg gave an interactive PowerPoint presentation simulating the ease of traffic flow by means of implementing roundabouts. He then proposed that there be one at the intersection of Washington Ave. and Adams Street. and another at the west side of Modern Mazda connecting to Golf Course Road.

Mr. Rodeberg backed up his belief in roundabouts by citing statistics such as:

--A 35-65% decrease in traffic accidents

--A 90% drop in fatalities

--Environmentally-friendly due to less stops and starts

He ended his presentation by giving a timeline of possible implementation being only 1 –2 years.

5. **OLD BUSINESS**

a) DISCUSSION OF DOG KENNEL RESEARCH

Bonnie introduced the topic and Mr. Fraser explained his concerns with the distance from property lines residential dog kennels are now placed. There are City Code regulations regarding noise and odor however kennels could be placed right on a property line.

It is the consensus of the Planning commission for staff to draft an ordinance and bring it back to the Commissioners next month.

6. **COMMUNICATION FROM STAFF**

a) UPDATE ON PLATH ANNEXATION

Ms. Baumetz updated the Planning Commission on the progress of the request to annex approximately 80 acres owned by Frederick Plath. She stated the City Council has tabled the request to their May 27<sup>th</sup> meeting. City Engineer John Rodeberg will draft an agreement stating there will be no services to the property for a number of years. The agreement is to be signed by the owners before the annexation process may proceed.

7. **ADJOURNMENT**

There being no further the meeting adjourned at 7:05 p.m.

**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, June 17, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Chairman Kirchoff. Absent: None. Also present: Bonnie Baumetz, Planning Coordinator and Lisa McClure, Interim EDA Director

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated May 20, 2003

Mr. Hantge moved to approve the minutes of May 20, 2003 as submitted. Seconded by Mr. Jim Haugen. The minutes were approved unanimously.

**3. PUBLIC HEARINGS**

a) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY BRIAN PONATH, PROPERTY OWNER, TO CONSTRUCT A 3-PLEX DWELLING LOCATED AT 446 PROSPECT STREET NE

Chairman Kirchoff opened the hearing at 5:35 p.m. with the reading of publication #7046 as published in the Hutchinson Leader on June 5, 2003.

Ms. Baumetz explained where the lot is located and the lot size. In 1997, the lot was rezoned to R-3. In the R-3, if there are more than three units on the lot, a Conditional Use Permit is required. Mr. Ponath will not meet the 400 sq. ft. garage space requirement. He does however; meet the requirements for 20% open space and 18 parking spaces. The staff suggests he hard surface the drive. There is currently an area of gravel, which will be grass upon completion of this project. Staff recommends approval with the following conditions: hard surface the drive, having a 20-foot minimum for emergency vehicles, and relocate the utilities (at owners expense). Ms. Otteson asked about what electric loads means. Ms. Baumetz explained that electric just wanted to make sure they won't be using more power than utilities can handle from that lot. If so, they would need a transformer, which they will not need.

Property Owner Eric Wangen, property owner, 436 Prospect Street, asked if the drive would be relocated. Mr. Ponath stated that it would be

moved, but he will not restrict the use of the driveway, since the two share it currently. The easement will remain the same, as well as the grade.

Ms. Otteson asked about the number of garages and dwellings. Mr. Ponath stated there would be four garages and three dwellings. Ms. Otteson asked about the size of the units. Mr. Ponath stated that one is 1,600 sq. ft and two are approximately 1,100 sq. ft. They are two-bedroom units. He will also provide 2.5 spaces per unit for parking. The exterior of the building will be brick.

Mr. Hantge made a motion to close the hearing. Seconded by Ms. Otteson, the hearing closed at 5:42 p.m. Mr. Hantge made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Otteson, the motion carried unanimously. Ms. Baumetz stated this item would be placed on the City Council consent agenda at their meeting held June 24, 2003 in the Council Chambers at 5:30 p.m.

b) CONSIDERATION OF **VARIANCE** REQUESTED BY KERRY KRUEGER, PROPERTY OWNER, TO REDUCE DRIVEWAY SETBACK TO 0 FEET FROM THE LOT LINE LOCATED AT 545 ERIE STREET SE

Chairman Kirchoff opened the hearing at 5:45 p.m. with the reading of publication #7047 as published in the Hutchinson Leader on June 5, 2003.

Ms. Baumetz explained where the property is located and that Mr. Krueger would like to replace an existing non-conforming gravel driveway, with a hard surface drive. This would require him to be five feet from the property line. The curb cut was placed directly on the property line. The hardship was stated as: the house is 12 feet from the property line and there was an addition to the house leaving approximately 9 feet from the dwelling to the property line. There are some drainage issues; he will have to make sure that he does not drain onto his neighbor's property. Also, he will have to be careful of where he places the snow in the winter. The drive will be 12 feet by 40 or 44 feet. The staff asks that Mr. Krueger verify where the drainage will go, find the location of the water stand pipe, exactly state the property line (he may get a survey for this requirement), and must not place the snow on the neighboring property.

Mr. Kirchoff asked if the driveway would stop at the edge of the house. Ms. Baumetz stated that it would. Mr. Fraser asked if the neighbor's drive was right up to the property line. Mr. Krueger said that it was about 3 feet from the property line. Ms. Baumetz stated that if they were replacing an existing non-conforming driveway, they would be a bit more lenient.

Ms. Otteson asked what a water stand pipe is. Ms. Baumetz stated that if the water would need to be shut off, that is where they would do it. Ms. Baumetz asked if Mr. Krueger knows where the standpipe is, he stated he believes it is in the lawn.

Mr. Kirchoff asked Mr. Krueger if he has done a survey of his property. Mr. Krueger stated that he had a survey done in 1992. Ms. Otteson asked if there is an existing shared driveway agreement. Mr. Krueger stated that he has no knowledge of one. Mr. Krueger also stated that the drainage would be split. One half will drain to the street and the other half to the backyard. Mr. Haugen suggested that Mr. Krueger and his neighbor help to drain the driveways correctly by putting some sort of aggregate in between the driveways. Mr. Krueger stated his intention is to use cement for the driveway and leave 6 inches between the driveway and the property line.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 5:55 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations and that the hardship was noted. Seconded by Mr. Haugen, the motion carried unanimously. Ms. Baumetz stated this item would be placed on the City Council consent agenda at their meeting held June 24, 2003 in the Council Chambers at 5:30 p.m.

- c) CONSIDERATION OF **VARIANCE** REQUESTED BY LARSON BUILDERS, APPLICANT, TO REDUCE SHORELAND SETBACK FROM 50 FEET TO 40 FEET TO REMOVE EXISTING NON-CONFORMING DECK AND REPLACE WITH A 3 SEASON PORCH LOCATED AT 326 SCHOOL RD SW

Chairman Kirchoff opened the hearing at 5:57 p.m. with the reading of publication #7048 as published in the Hutchinson Leader on June 5, 2003.

Ms. Baumetz stated that she had given the commissioners a letter from the DNR regarding this issue. The letter stated that the variance should not be granted because no hardship exists. She stated that there are three additional of the homes along the lake that will need a variance just to make repairs to their existing decks and porches. The existing deck is 40 feet from the high water mark. The applicant would like to enclose the existing deck, making it into a three-season porch. The shoreland district was established in 1992, which this home was built in 1977. All of the homes along shoreland in this area were built in the 1970's.

The staff recommended approval with a suggestion that the association should move the vegetation 10 feet. The letter from the DNR made this suggestion as well. They also stated that the porch must be completed exactly as stated, no vegetation can be removed, and they must plant an extra 10 feet of vegetation.

Mr. Kephart, Larson Builders, mentioned that this issue might come up three more times, with other homes along this area. He stated that the staff recommendation of having the association move the vegetation might not work. They probably would not like the idea of giving up the 10 feet. He stated that he has talked to some of the residents and the

property owners who will not need variances are not interested in having 10 feet of their property taken away.

Mr. Haugen asked if there is erosion occurring. Mr. Kephart said no and that the porch will not impede into the yard any further. Currently the deck is not up to code, so they will bring it up to code by redoing the stairs. Mr. Currimbhoy asked if the porch would remain the same size as it currently is. Mr. Kephart stated that it would. Mr. Kirchoff asked if the right side of the deck is the end of the unit. Mr. Kephart stated that it is the end of the unit. Mr. Hantge stated that he thought there was about 25 feet of reeds between the grass and the open water.

Mr. Hantge made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 6:05 p.m. Mr. Hantge made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Flaata. Mr. Hantge amended the motion to exclude the additional 10 feet in staff recommendation number two. Mr. Flaata seconded the amendment, the motion carried unanimously. Ms. Baumetz stated this item would be placed on the City Council consent agenda at their meeting held June 24, 2003 in the Council Chambers at 5:30 p.m.

d) CONSIDERATION OF **VACATION OF EASEMENTS** REQUESTED BY BRUCE NAUSTDAL, APPLICANT, TO VACATE DRAINAGE AND UTILITY EASEMENTS LOCATED ALONG THE SOUTHERLY PROPERTY LINE OF LOT 10, BLOCK 2, FIRST ADDITION TO RAVENWOOD

Chairman Kirchoff opened the hearing at 6:10 p.m. with the reading of publication #7049 as published in the Hutchinson Leader on June 5, 2003 and June 10, 2003.

Ms. Baumetz stated that the address for the property is 1187 Blackhawk Drive. She stated that there is a 6-foot easement on each side of the property. The property owner would like to construct a window in the basement, which would cause the window well to go 3 feet into the easement. Ms. Baumetz stated that the staff was divided on this issue, but they did recommend approval of the vacation of easement on the south side of the property.

Mr. Flaata asked if the neighbor would be able to put a window into their easement three feet as well. Mr. Naustdal stated that the neighbor already has egress windows, so this will not be an issue. Ms. Otteson asked if the property next door is currently occupied. It is not. Mr. Kirchoff asked if the window well is already in. Mr. Naustdal stated that it is. This is a PUD and the utilities are already into the homes. He stated that if the vacation of easement is not granted, the window well would need to come out.

Ms. Otteson stated that she has been out to the property. There is not much room between the houses and that she understands the staff's

concerns. She stated that she would not like to see this come up again in this subdivision.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:15 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Fraser, the motion carried unanimously. Ms. Baumetz stated this item would be placed on the City Council consent agenda at their meeting held June 24, 2003 in the Council Chambers at 5:30 p.m.

- e) CONSIDERATION OF **VACATION OF EASEMENTS** REQUESTED BY JEFF BULAU, PROPERTY OWNER, TO REDUCE A 10 FOOT EASEMENT TO 6 FEET ALONG THE EASTERLY PROPERTY LINE OF LOT 3, BLOCK 1, FORTH ADDITION TO LAKEWOOD TERRACE

Chairman Kirchoff opened the hearing at 6:17 p.m. with the reading of publication #7051 as published in the Hutchinson Leader on June 5, 2003 and June 10, 2003.

Ms. Baumetz stated that the staff researched the issue of the 10-foot side lot easement. They could find no reason for this. Usually the side lot easements are 6 feet. The reason for the vacation of easement is, Mr. Bulau wants to construct a detached garage.

The staff recommended reducing the easement to 6 feet. Mr. Haugen asked if there is an easement on the other side. Ms. Baumetz states that there is, but she isn't sure whether or not it is 10 feet or 6 feet. She also stated that Utilities said they do not need that easement.

Mr. Haugen asked if there is an existing garage on the property. Ms. Baumetz stated there is an attached garage and also a shed.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:20 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen, the motion carried unanimously. Ms. Baumetz stated this item would be placed on the City Council consent agenda at their meeting held June 24, 2003 in the Council Chambers at 5:30 p.m.

#### 4. **NEW BUSINESS**

- a) CONSIDERATION OF RESOLUTION REQUESTED BY THE EDA REGARDING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 4 AND A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 4-13 CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY

Mr. Miles Seppelt, Hutchinson EDA Director, began by giving an explanation of a redevelopment TIF district. He stated that going before

the Planning Commission is a required step in the establishment of a TIF district. The reasoning is that the Planning Commission should make sure that the project is in line with the Comprehensive Plan.

The owner's plans are to renovate the State Theater back to its 1937 state. It will be a second run theater that will sell tickets for half price. The apartments above the Theater will be demolished and renovated; the owner will live in one of the apartments. The retail spaces on either side of the theater will also be renovated. The entire project will cost approximately 1.3 million dollars. For the project to work, he needs a TIF district. The way the district works is: a property generates property taxes as is, when it is renovated it will likely pay higher property taxes. It is the difference between these two-dollar amounts that will go back to the property owner and back into the project.

Mr. Fraser asked how long the district can and will run. Mr. Seppelt stated the district could run up to 25 years. He also stated that in any given year, the taxes do not generate a large dollar amount. Other taxes will remain the same. The city will see other benefits, although they will not see an increase in money collected.

Mr. Currimbhoy asked about parking for residents of the apartments. Mr. Seppelt did not know how the parking worked before, but it should be handled the same. Mr. Haugen stated that the city is lucky to find someone who will redevelop the theater. If the dollar amount is reached before the 25-year maximum is reached, the district will close prior to that 25-year mark.

Mr. Seppelt stated that he does not think there is a limit on the number of districts one city can have. This TIF district will have no effect on the ShopKo/Econo Foods district.

Ms. Baumetz stated that there would need to be a motion to adopt the resolution.

Mr. Steve Tripp, Owner/Operator of Century 7, asked if he could speak. He stated that he owns 13 theaters total and is thinking about a 2.5 million dollar expansion to the Century 7. In using TIF, he feels penalized by this district. He also stated that the notion of a second run theater probably would not work in a city this size. It may be better suited as a playhouse or live stage. He mentioned that a second run theater would not get the movies in two weeks. There is a minimum of 4 weeks on most movies and on blockbuster films; it is a 6-week minimum. He questions whether this will be able to remain viable. Mr. Tripp stated that he did not realize that TIF money could be used for a specific project, he thought it was for an area.

Mr. Seppelt responded to questions. He stated that no other person's money would go into this project. Money goes from the property owner, in the form of tax money; to the county then to the city then eventually back to the owner to pay for the project. Money has to be used to fix up

the building. The owner will install an elevator, remove lead and asbestos, and to bring it into ADA compliance.

Ms. Baumetz asked if they get the TIF money and the use changes, are they still eligible for the money. Mr. Seppelt stated that they could still get the money and use it for other uses. TIF money is not driven by use.

Mr. Currimbhoy asked what would happen if the theater does not make it and shuts down completely. Mr. Seppelt stated that the money would run for the life of the district.

Mr. Fraser wanted to be sure that government is not subsidizing development. Also there is the possibility that the theater will not make it. If they do not, it will not cost the city. He does not believe this will take away from Century 7.

Mr. Kirchoff asked Mr. Seppelt if they are acting on a procedure or if they are acting to approve the district. Mr. Seppelt stated that they are simply stating that they believe this project fits with the City's plans, should they adopt the resolution. The specific designs of the building will come to the Planning Commission at a later date.

Ms. Otteson made a motion to approve the resolution for the Redevelopment TIF District. Seconded by Mr. Fraser, the motion carried unanimously. Mr. Seppelt stated this item would be placed on the City Council agenda at their meeting held July 8, 2003 in the Council Chambers at 5:30 p.m.

b) **MS. OTTESON BROUGHT UP THE SUBJECT OF INSURANCE ISSUES AND ZONING DESIGNATIONS.**

Ms. Otteson stated that there are insurance non-conforming residential use in commercial districts. The zoning ordinance presently allows no renovation over 50% of the value on a non-conforming structure. Recently insurance companies are not granting insurance to these properties. Ms. Otteson stated our ordinance should be changed to allow the residential to exist in the commercial and industrial districts.

Ms. Baumetz stated she and Ms. Wischnack have been researching this topic. They will discuss the proposed changes with City Attorney Marc Sebora.

**5. OLD BUSINESS**

a) **DISCUSSION OF DRAFT ORDINANCE REGULATING RESIDENTIAL DOG KENNELS**

Ms. Baumetz presented two options for the Planning Commissioners to review regarding regulation of dog kennels. The city presently does regulate the number of dogs, the noise, and cleaning of the kennels. Ms.

Baumetz stated that kennels, in reference to boarding dogs, are regulated, but residential kennels are not regulated.

Staff is not in favor of regulating kennels. This would be difficult to enforce and the City Code does deal with the above stated issues. Ms. Baumetz stated that the city is able to amend the City Code, and discussed that as a possibility.

Ms. Baumetz created a definition of residential kennels and created two options for ordinances. Mr. Fraser stated that the definition is good. He also believes that the city should have an ordinance regulating the construction and placement of kennels. He asked how to initiate the process of amending the city code. Ms. Baumetz stated that the City Council would have to pass an ordinance amending the city code.

It was stated that Option 1 is a far cry from what the city currently has. Option 2 is also feasible. The kennels that already exist will be "grandfathered in".

Mr. Fraser is opposed to Option 2. He asked if staff could merge Option 1 & 2. The options of writing an ordinance, amending the city code or doing nothing were presented. Most of the Planning Commissioners agreed that an ordinance should be written and some thought that the city code should be amended as well.

Ms. Baumetz will go with Option 1 and discuss specific wording with Marc Sebora. There will be a public hearing on this ordinance addition in July.

**6. COMMUNICATION FROM STAFF**

- a) DISCUSSION OF REQUEST BY DAVID BROLL TO ELIMINATE ONE OF THE TREES REQUIRED ON NORTH PROPERTY LINE LOCATED AT 902 HWY 15 SOUTH

Ms. Baumetz stated that Mr. Broll is currently working with the forester to plant trees and the city told him that he must plant no less than six trees. He currently has plans to plant five trees noting in a letter to planning staff the sixth tree would be too near the utility shed to plant. He was supposed to plant six trees by June 1, 2003.

It is the consensus of the Planning Commission that six trees must be planted on the north side of the property as required.

**7. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:30 p.m.

**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, July 15, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Chairman Kirchoff. Also present:: Julie Wischnack, AICP, Planning Director and Bonnie Baumetz, Planning Coordinator

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated June 17, 2003

Ms. Otteson moved to approve the minutes of June 17, 2003 as submitted. Seconded by Mr.Currimbhoy. The minutes were approved unanimously.

**3. PUBLIC HEARINGS**

a) CONSIDERATION OF A **VARIANCE** REQUESTED BY SAM SCHOLL, PROPERTY OWNER, TO REDUCE FRONT YARD SETBACK FROM 30 FEET TO 25 FEET FOR THE CONSTRUCTION OF A ROOF OVER THE EXISTING ENTRANCE LOCATED AT 712 SHADY RIDGE RD NW

Chairman Kirchoff opened the hearing at 5:35 p.m. with the reading of publication #7059 as published in the Hutchinson Leader on July 3, 2003.

Ms. Baumetz explained the request and the history of the house and area. The house was constructed in 1958 prior to annexation to the City of Hutchinson. She explained the misunderstanding between the property owner, contractor and staff regarding setbacks and noted construction had begun before a survey was provided to the City. The property owners did cease construction when they learned the roof addition would require a variance.

Ms. Baumetz reported the property owner states the hardship as the house was constructed before the zoning ordinances were in place and the roof will protect the steps from ice and snow. Staff recommends approval of the variance with the recommendation the entry not be enclosed in the future.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 5:48 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations the entry not be enclosed in the future. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held July 22, 2003 in the Council Chambers at 5:30 p.m.

b) **CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY ROGER STEARNS, STEARNSWOOD, TO CONSTRUCT AN 118'X102' POLE TYPE STORAGE WAREHOUSE ON PROPERTY LOCATED IN THE I/C (INDUSTRIAL COMMERCIAL) DISTRICT AT 320-3<sup>RD</sup> AVE. NW**

Chairman Kirchoff opened the hearing at 5:43 p.m. with the reading of publication #7060 as published in the Hutchinson Leader on July 3, 2003.

Ms Wischnack commented on the most recent site plan. She pointed out the changes which were the setback from the southerly property line which now indicated 20 feet and the size of the building now being 120' x 104'. She stated the elevations were a concern being near the river. The elevation of the building will be above the 100 year flood plain. Ms. Wischnack explained this area is Industrial Commercial and requires a Conditional Use Permit for all proposals to the site. A variance would not be needed in this district because setbacks are recommended in the I/C district.

Ms. Wischnack commented on the amount of impervious surface on the site and the need for stormwater ponding in the area. She explained the City of Hutchinson is in the process of purchasing the railroad right of way and at that time, a stormwater pond could be constructed by the City and assessed to the property owners benefiting from the pond.

Paving issues must be resolved for access to this building. Ms. Wischnack commented on Mr. Stearns letter regarding an access to the south as a compromise. She stated the railroad property has not been purchased making it difficult for staff to approve an access across the property.

Ms. Wischnack stated the staff recommends approval of the request and commented on the following staff recommendations:

1. The City will construct an area stormwater pond and assess the properties along the railroad property for the pond (once the City has obtained ownership of the railroad right of way).
2. Access to buildings must be paved when improvements are made.

3. Green space and buffering from the river area is an issue and could be addressed concurrently with the storm water pond improvements.
4. The transformer on the property must be protected, providing 20 feet of separation between the building and the transformer.
5. Building may require 1 or 2 hour fire walls with protection or non-allowance for openings.
6. There must be 20 to 22 foot accessible area for emergency access.

Discussion followed regarding paving the site and screening from the park. Ms. Wischnack stated there is not an ordinance in place regulating screening between industry and parkland.

There was concern by the Planning Commissioners regarding a south entrance and industrial traffic into the park area. There was also discussion regarding the south entrance being temporary during the Hwy 7 construction or permanent.

Mr. Steve Fitzloff, Stearnswood employee, stated the new building will clean up the site. The old metal building on the east will be removed, the trailers will be moved and most of the pallets will be housed inside the warehouse. He commented on the south access stating using it temporarily would be feasible but permanent would be better. Ms. Wischnack stated Mr. Roger Stearns assumed the access would be permanent. She also noted there are fire hydrants within 400 feet of the new building.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Currimbhoy. The hearing closed at 6:00 p.m. Mr. Hantge made a motion to recommend approval of the request with all 1-6 of the staff recommendations. Seconded by Mr. Haugen. Discussion followed regarding protection of the parkland in regard to the south access. It was the consensus of the Planning Commission the access issue must be revisited when the City acquires the railroad property. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held July 22, 2003 in the Council Chambers at 5:30 p.m.

c) **CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY JUNE INSELMANN, PROPERTY OWNER, TO CONSTRUCT A RETAINING WALL WITHIN THE EASEMENT LOCATED AT 725 SOUTHVIEW DR. S.W.**

Chairman Kirchoff opened the hearing at 6:07 p.m. with the reading of publication #7061 as published in the Hutchinson Leader on July 3, 2003.

Ms. Baumetz commented on the request and the ordinance regulating retaining walls. She stated there was previously a wall constructed of

railroad ties which must be replaced. The wall will be 24 inches tall and 32 feet long across the rear yard in the easement area. She explained the property owner did have the area marked for services as requested by staff. There is an electric line running closest to the wall. Ms. Baumetz stated the staff recommends approval of the request and commented on the staff recommendations as follows:

1. Verify drainage is not impeded by the wall.
2. Electric lines appear to be very close to the east edge of the wall. There seems to be appropriate distance from the block as shown on the picture if the block is placed on the west side of the stakes.
3. Any movement of utilities for this purpose would be at the owners expense.
4. If there is any reason the easement area needs to be used and the retaining wall is impairing access to the utility; the wall may be removed without supplying replacement costs to the property owner.

Discussion followed on the possibility of grade changes. The property owner stated there will not be grade changes occurring.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson. The hearing closed at 6:11 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations 1-4. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held July 22, 2003 in the Council Chambers at 5:30 p.m.

d) **CONSIDERATION OF A **CONDITIONAL USE PERMIT AND LOT SPLIT** REQUESTED BY RTM RESTAURANT GROUP FOR CONSTRUCTION OF AN ARBY'S RESTAURANT LOCATED AT 1340 HWY 15 S**

Chairman Kirchoff opened the hearing at 6:13 p.m. with the reading of publication #7062 as published in the Hutchinson Leader on July 3, 2003.

Ms. Wischnack commented on the lot split and explained the proposal for the drive-thru. She explained the overall plan of the area includes adequate parking. She stated concerns of staff were mainly with the entrance and access off Hwy 15. She commented on the letter received from RTM addressing the staff concerns.

Ms. Wischnack stated the staff recommends approval of the request with the following staff recommendations:

- 1, Pedestrian crossing is required to be connected to the trail located along Highway 15 and a pedestrian striping should be provided in the parking lot.

2. There must be emergency service access around the building. Fire hydrants must be located no farther than 400 feet from the building.
3. The southerly access must be closed to avoid traffic congestion problems.
4. The parking lot layout should change to provide angled parking.
5. Provide final landscaping information to the City Forester prior to installation.

Discussion followed on the south access drive.

Jon Bogart, Engineer for the project, explained the difference between McDonald's south access and the proposed Arby's access. He commented on the differences regarding the length of stacking which would make a difference when entering the south entrance. He reported RTM would request to maintain the south entrance as a one-way. Mr. Bogart commented on the perpendicular parking as opposed to the angle parking.

Discussion followed on the space between the drive-thru and the parking area which seemed close. There was also discussion regarding the possibility of angle parking along the drive-thru side of the building.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Currimbhoy. The hearing closed at 6:40 p.m. Mr. Haugen made a motion to recommend approval of the lot split with staff recommendation. The lot split must reflect an allowance for cross parking arrangements and also easements to the other properties for the main access drive on the western portion of the lot. Seconded by Ms. Otteson. The motion carried unanimously. Mr. Currimbhoy made a motion to approve the Conditional Use Permit with staff recommendations 1-5. The motion failed for lack of a second. Ms. Otteson made a motion to recommend approval of the Conditional Use Permit with staff recommendations 1,2 and 5. Recommendation 3 would be the south access must be a one-way entrance and recommendation 4 the parking would remain as included on the proposed site plan. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held July 22, 2003 in the Council Chambers at 5:30 p.m.

- e) CONSIDERATION OF **AMENDMENT** TO SECTIONS 3 AND 7 ADDING DEFINITION OF RESIDENTIAL DOG KENNEL AND REGULATION OF PLACEMENT OF RESIDENTIAL DOG KENNELS IN YARDS.

Chairman Kirchoff opened the hearing at 6:46 p.m. with the reading of publication #7063 as published in the Hutchinson Leader on July 3, 2003.

Ms. Wischnack commented on staff consensus stating the issues might not be addressed by setback. She stated the issues noted by the Police Department were complaints of noise and not often odor. She presented examples of properties and possible placement of dog kennels with the new ordinance. She commented on a letter received by Mr. and Mr. Manthey in favor of the ordinance.

Discussion followed on including side yards in the ordinance as opposed to rear yards only and discussed at earlier meetings.

Barry Greive, Building Official, stated this ordinance would be difficult to enforce. He explained the area of enforcement needed and reported the City does not have the manpower. He recommended following the City Code and not adding an ordinance to the Zoning Code.

Mr. Manthey, 725 Lakewood Dr. SW, commented on his letter and asked that all owners of dog kennels be made to comply.

Mr. Hantge made a motion to close the hearing. Seconded by Ms. Otteson. The hearing closed at 7:10 p.m. Mr. Fraser made a motion to recommend approval of the ordinance changing the language to include only the area behind the plane of the house and the 10 foot setback from the lot line shall be adhered to. Seconded by Mr. Hantge. There was a roll call vote. Mr. Hantge, Mr. Currimbhoy, Mr. Fraser and Mr. Flaata voting aye. Ms. Otteson, Chairman Kirchoff and Mr. Haugen voting nay. The motion carried on a 4-3 vote. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held July 22, 2003 in the Council Chambers at 5:30 p.m.

#### **4. NEW BUSINESS**

##### **a) CONSIDERATION OF FINAL PLAT TO BE KNOWN AS RAVENWOOD WEST**

Ms. Baumetz commented on the final plat and the reviewed the recommendations of the preliminary plat. She stated staff recommends approval with the following recommendations with the addition of a fourth item requiring escrow dollars for boulevard tree plantings:

1. Additional fees will be collected at the time of building permit.
2. The property owner must record the covenants for the development.
3. Improvements/progress must be acceptable and approved by the City Engineer for issuance of building permits and certificates of occupancy for the entire development. As with all development, the City reserves the right to withhold permitting and occupancy within the development.

Mr. Hantge made a motion to recommend approval of the request with staff recommendations adding item #4. Seconded by Mr. Flaata. The

motion carried unanimously. Ms. Bauemtz stated this item will be placed on the City Council consent agenda at their meeting held July 22, 2003 in the Council Chambers at 5:30 p.m.

b) **CONSIDERATION OF FINAL PLAT TO BE KNOWN AS SOUTHWIND**

Ms. Wischnack commented on the final plat of 48 lots and location of the property. She stated staff recommends approval with the following recommendations adding a sixth item requiring escrow dollars for tree plantings:

1. The subdivision agreement must be drafted and reviewed.
2. The revised grading plan with the right turn lane off of Jefferson Street and storm water revisions should be provided.
3. The wetland mitigation document does not have to be provided, since the phase that impacts the wetland area is not being final platted at this time.
4. The name of the company who will be responsible for maintenance of Outlot A and the general development maintenance must be provided.
5. The private tile line agreement document must be signed and the City must receive a copy.

Ms. Wischnack stated the items must be completed before the Final Plat may be brought to the City Council for action.

Ms. Otteson made a motion to recommend approval of the request with staff recommendations adding item #6 and also requiring the recommendations be completed before the final plat is brought to City Council. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda possibly at their meeting held August 12, 2003 in the Council Chambers at 5:30 p.m.

**5. OLD BUSINESS**

**6. COMMUNICATION FROM STAFF**

Downtown Guidelines – Ms. Wischnack stated next month Mr. Bob Claybaugh will present the downtown plan.

CD's or Volumes – Ms. Baumetz stated we now have the Comprehensive Plan, AUAR, Housing Study and Downtown Plan on the web, CD's or volumes.

**7. ADJOURNMENT**

There being no further the meeting adjourned at 7:30 p.m.



**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, August 19, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Jim Haugen, Lynn Otteson, Farid Currimbhoy, Robert Hantge and Chairman Kirchoff. Absent: Brandon Fraser and Mike Flaata. Also present: Julie Wischnack, AICP, Planning Director, and Lisa McClure, EDA Director

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated July 15, 2003

Mr. Hantge moved to approve the minutes of July 15, 2003 as submitted. Seconded by Mr. Haugen. The minutes were approved unanimously.

**3. PUBLIC HEARINGS**

a) CONSIDERATION OF **ANNEXATION** OF 25.86 ACRES REQUESTED BY RODNEY RIEWER, PROPERTY OWNER, LOCATED IN HASSAN VALLEY TOWNSHIP ALONG JEFFERSON STREET S.E.

Chairman Kirchoff opened the hearing at 5:33 p.m. with the reading of publication # 7080 as published in the Hutchinson Leader on August 7, 2003.

Ms. Wischnack stated that this is an annexation request by the property owner. Some property in this area has already been annexed. Mr. Riewer has asked to be annexed in the past but withdrew his application. This property does abut city property. If the Planning Commission annexes this property by ordinance, an unusual city boundary will be created. Staff has recommended approval of this application. There are some concerns about the timing of when things will take place on the property.

Ms. Otteson asked about what the Comp Plan says. Ms. Wischnack stated that the Comp Plan has identified this area as medium density housing and it was slated to happen between 2000 and 2005. South of Southwinds addition will be in the 2005-2010 timeframe.

Mr. Haugen asked of the 25 acres proposed to be annexed, how many are developable acres? Ms. Wischnack did not have the most recent

survey and stated that some of the property is in the 100-year flood plain. There will be limited Easterly development.

Galen Houk – property owner spoke to the Planning Commission. He stated that he does not object to the annexation. Mr. Houk stated that he does not want his property to be annexed by the city. He stated that if there were an attempt to annex his property, it would produce a hardship for him. He asked if the city really does need this property? How do the costs affect the city? He also stated that this is a rural area, there are farm animals, and these are large properties. The land north of his property is going to be subdivided into a couple of parcels. He questioned the density. He asked if this area really should be high density. Mr. Houk stated that this area is farm area. They will be farming early and late, they spray the fields, kick up dusts, and there are smells associated with farms. He hopes that property owners coming into this area would know that and not complain about those issues. Mr. Houk feels there is a lot of room for complaints on this issue. He stated that he has two main points here: first, if he's surrounded, will the City just take his land at anytime? And second, will this cause property values to go down?

Mr. Reiwer stated that he saw the opportunity to sell his property and he took that opportunity.

Ms. Wischnack clarified that the city may annex Mr. Houk at any time, since his property will now be surrounded on all sides by City property.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 5:45 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations and to note that this project is part of the Comprehensive Plan for the City. Seconded by Mr. Currimbhoy, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held August 26, 2003 in the Council Chambers at 5:30 p.m.

b) CONSIDERATION TO **REZONE** PROPERTY FROM R2 TO C4 LOCATED AT 222-5<sup>TH</sup> AVE N.W. FOR OFFICE BUILDING SUBMITTED BY STEPHEN GASSER, APPLICANT

Chairman Kirchoff opened the hearing at 5:47 p.m. with the reading of publication # 7081 as published in the Hutchinson Leader on August 7, 2003.

Ms. Wischnack stated that this is a rezoning request. She showed a picture of the property, as it exists today. This is a church in the R-2 district. Mr. Hantge asked if a new church comes into town, could they be located in the R-1 and R-2 districts? Ms. Wischnack stated that that is correct. It carries a commercial zoning designation.

Ms. Wischnack stated that at this time there are both commercial and residential uses in this area. This would be rezoned to a C-4 zoned property, which is a very general zoning district.

The proposal by Mr. Gasser is to use the structure as an office complex for his business, Vivid Image, and possibly renting out office space to other businesses. Ms. Wischnack stated that staff recommends approval. It is adjacent to similarly zoned property. Some of the requirements include: paving a 50x50 area along with the driveway, there will be a need for 10 parking spaces, landscaping and other requirements will be dealt with at the time that the permit is issued.

Mr. Haugen commented that there are many churches in town that have had an adapted reuse of the building.

Ms. Wischnack stated that there has been one letter received opposing this project.

Mr. Gasser stated that the office building would house seven offices for his staff. They are a web development company with little or no traffic coming in and out. They have plans to renovate the building.

Mr. Kirchoff asked Mr. Gasser if he understood the conditions of this application. Mr. Gasser stated that he does.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 5:55 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Hantge, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held August 26, 2003 in the Council Chambers at 5:30 p.m.

c) **CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY FLORIAN THODE, PROPERTY OWNER, TO ALLOW OUTDOOR STORAGE ON PROPERTY IN THE I-1 DISTRICT LOCATED AT 327 HWY 7 EAST**

Chairman Kirchoff opened the hearing at 5:57 p.m. with the reading of publication # 7082 as published in the Hutchinson Leader on August 7, 2003.

Ms. Wischnack stated that this is an application for outside storage. In the I-1 District it states that storage much be fenced or within a building. There are some houses near the property. HTI, Marshall Concrete and two residences are Mr. Thode's neighbors. Ms. Wischnack stated that Mr. Thode has been cooperative in this matter. The fence has been completed on the property and there is a buffer of vegetation on the property. Mr. Thode has removed many tires and unlicensed vehicles

from his property. She asked the Planning Commission, how much outside storage is acceptable?

Mr. Hantge stated he thought that all storage in the I-1 district should be inside. Why does he need a conditional use permit? Ms. Wischnack stated that sometimes there is an allowance for outside storage. In the Industrial Park, for example, it is more acceptable to have outside storage. City does not do regular enforcement on those properties.

Laura Wendorf, representing Delauto came to speak to the Planning Commission. She stated that her property is leased by HTI. She asked if there is any commercial zoned property? Ms. Wischnack stated that there is not in this area. Ms. Wendorf asked if there could be residential and commercial uses in Industrial zoned land? Ms. Wischnack stated that if it is that way now, and the use is not changed, that is acceptable. Ms. Wendorf asked if offices are allowed in the I-1 district. Ms. Wischnack stated that they are allowed.

Ms. Wendorf stated that in the 1960's, trees were planted and a fence was put up. Currently the biggest problem on this site is the tires. The tires tumble over onto her property. They collect water and are a haven for mosquitoes. She asked for clarification on whether or not, because there are trees there as a buffer, that Mr. Thode does not need a fence? Ms. Wischnack stated that that decision is up to the Commission.

Ms. Wendorf stated that she would be happy if Mr. Thode would keep the tires off her property and keep his property maintained, she would be happy. She asked if Mr. Thode charges a fee for getting rid of the tires? Also, what type of things will be stored, tires and old cars?

Ms. Wendorf also wanted to state that she is not against the conditional use permit, she just had questions. She also mentioned that she would like Mr. Thode to control the weeds on his property better.

Mark Telecky came to represent his grandmother, Bernie. Mr. Telecky asked what would be stored outside? The fencing is better, it helps the gateway ordinance. He asked if the storage could be moved further back on the property?

Mr. Thode addressed the Commission to answer some of the questions. The storage will be for tires, cars, tractors, and equipment. He stated he is trying to clean up his property. He does have a person who comes to pick up the tires; they have not been there yet.

Mr. Kirchoff stated that he wants to make sure the property is picked up and stays clean and if they get complaints the City will be doing enforcement.

Ms. Otteson asked Mr. Thode whether or not he is out of the tire business. Mr. Thode stated that he is. He stated that not everything will be behind the fence. There will be some outside storage. He also stated

that he was unaware that tires had fallen over onto Ms. Wendorf's property.

Ms. Otteson asked what is stored in the large containers in the back of his property. Mr. Thode stated that there is water in those containers.

Mr. Hantge asked if there are other conditional use permits issued for outside storage. Ms. Wischnack stated that Dick McClure has one, for example.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:20 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Hantge, Ms. Otteson asked to add to the recommendations. She stated that weed control should be part of the requirements for Mr. Thode. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held August 26, 2003 in the Council Chambers at 5:30 p.m.

**d) CONSIDERATION TO REVOKE CONDITIONAL USE PERMITS GRANTED ON PROPERTIES NOT COMPLYING WITH CONDITIONS SET FORTH IN THE RECORDED RESOLUTIONS**

Chairman Kirchoff opened the hearing at 6:24 p.m. with the reading of publication # 7083 as published in the Hutchinson Leader on August 7, 2003.

Ms. Wischnack stated that there are some enforcement actions that need to be taken. Five permits had fallen behind, there was a letter sent to them from Mr. Sebor, City Attorney, to get people to take action.

First issue, 700 Airport Road. This is in progress. Ms. Wischnack stated that there is a gas line running through the property and the meter cannot be fenced in. This was an unknown complication. The conditional use permit was for a car repair shop. The number of cars has been an issue. There has been some vandalism to the cars, causing additional problems. Julie stated that there is part of a fence up. Mr. McRaith is in the process of finishing the fence. Ms. Wischnack stated that the Planning Commission could wait one month and follow up on this with a letter.

Mr. Kirchoff asked if this issue can be tabled? Ms. Wischnack stated that it can be. She also stated that this project has come a long way, it looks very good. She made a suggestion to table this item and check back before the September meeting.

Mr. Kirchoff said that at least Mr. McRaith is making headway; he is doing a good job. Mr. Hantge asked what the enforcement scenarios are. Ms. Wischnack stated that this is it. They can have this hearing to discuss this issue or charge the person with a misdemeanor. That is not the route

she felt the Planning Commission wanted to take. Revoking the conditional use permit is also an option.

The Planning Commission requested that the property owner should be present at the September meeting.

Mr. Hantge made a motion to table this until September. Ms. Otteson seconded, the motion carried unanimously.

Second, Mr. Rolf is requesting to pave over the property line. In the C-5 there are recommended setbacks from property lines. Ms. Wischnack stated that they should provide an allowance to pave over the property line. This property needs to have a paved surface. It should have been completed by June 15, it is not.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen, the hearing closed at 6:40 p.m. Ms. Otteson made a motion to recommend approval of the request to amend the conditional use permit to pave over the property line. Seconded by Mr. Currimbhoy, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held August 26, 2003 in the Council Chambers at 5:30 p.m.

#### 4. **NEW BUSINESS**

a) PRESENTATION OF UPDATED HWY 7 ACCESS MANAGEMENT ORDINANCE BY CINDY CARLSSON, MNDOT

Ms. Wischnack introduced Cindy Carlsson representing the Highway 7 Coalition. The ordinance presented by Ms. Carlsson is a cohesive access management ordinance for highway 7 between St. Bonifacius and Hutchinson. This will need to be adopted by McLeod County and the City of Hutchinson. This is a partnership of MNDOT, County, Cities, and Townships. Ms. Carlsson presented the ordinance and gave examples to the Planning Commission of how this can be used. She stated that this ordinance is needed and the partnerships are needed, because it is the local government units that deal with land use issues. MNDOT does not deal with land use issues; they deal with transportation issues. Ms. Wischnack stated that the Planning Commission would go over this ordinance at the September meeting.

b) CONSIDERATION OF SKETCH PLAN OF REPLAT OF ISLAND VIEW HEIGHTS 5<sup>TH</sup> ADDITION SUBMITTED BY BILL GILK

Ms. Wischnack stated that she did receive a sketch of what Mr. Gilk would like to do. Staff has indicated that they approve of the plan, but there are some sewer issues that need to be addressed. This

likely will come before the Planning Commission in September for the replat.

c) **PRESENTATION OF THE DOWNTOWN DESIGN GUIDELINES  
BY MR. BOB CLAYBAUGH**

Ms. Wischnack introduced Mr. Bob Claybaugh and Mr. Pete Musty. Mr. Claybaugh and Mr. Musty presented the Downtown Design Guidelines to the Planning Commission. It was stated that these guidelines were developed out of the Downtown Revitalization Master Plan. The Planning Commission will look through and discuss the information presented and then discuss the guidelines in more detail at the October meeting.

**5. OLD BUSINESS**

Mr. Hantge asked Ms. Wischnack about Arby's plans. She stated that the plan was on the City Council agenda on August 12. The reason it was on the regular agenda, and not the consent agenda, was because staff disagreed with the Planning Commission's decision.

Ms. Otteson asked about the Dog Kennel ordinance. Ms. Wischnack stated that the City Council overturned the decision and is now looking at a nuisance ordinance.

**6. COMMUNICATION FROM STAFF**

Ms. Wischnack invited the Planning Commissioners to the State Planning Conference in Alexandria in September. She stated that she has more information if anyone would like to see a brochure.

**7. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:30 p.m.

**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, September 16, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Chairman Kirchoff. Absent: None Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated August 19, 2003

Mr. Haugen moved to approve the minutes of August 19, 2003 as submitted. Seconded by Mr. Currimbhoy, the minutes were approved unanimously.

**3. PUBLIC HEARINGS**

a) CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY HUTCHINSON MFG TO CONSTRUCT A 40X80 POLE TYPE STORAGE BUILDING IN THE I/C DISTRICT LOCATED AT 720 HWY 7 WEST

Chairman Kirchoff opened the hearing at 5:35 p.m. with the reading of publication #7091 as published in the Hutchinson Leader on September 4, 2003.

Ms. Wischnack commented on the request and past permitting history. She stated the Hwy 7 construction will impact the property access. She reminded the Planning Commission of the request by Stearnswood last month and the conditions required for their project in regards to stormwater ponding and the buffering on the south property line. The southerly landscaping will be completed by the City at the time the railroad property becomes available and then the City would assess back the cost of the installation. Ms. Wischnack stated the northern buffering would be problematic due to the Hwy. 7 construction. She stated the northern landscaping would be concurrent with the Hwy 7 project. If for some reason the project is not constructed, there should still be buffering implemented no later than 2007.

Ms. Wischnack commented on the following staff recommendations: 1. The applicant must be aware that there will be pending landscaping and buffering improvements to the south of the property and that cost would

be assessed back to the benefiting property owners. 2. Written verification that the storm water pond on the western portion of the property is in working order. 3. That there be paved access to the building constructed when the Highway 7 improvement is completed in the area or no later than 2007 (if the highway project does not occur). 4. Plantings/buffering shall occur on the north side of the parcel when the highway project is completed. 5. An additional hydrant and water looping must occur when the frontage road is constructed. 6. Building code compliance must be discussed with the building official. 7. The conditional use permit is valid for six months, unless an extension is requested or construction of the addition has commenced.

Discussion followed on the difference between screening and landscaping. Ms. Wischnack commented on Mr. Mark Hensen's letter regarding the screening issues.

Mr. Daggett questioned the staff recommendation number 1 regarding the landscaping and buffering improvements to the south. He also asked about the paving and curbing of Les Kouba Parkway.

Ms. Wischnack stated the previous ponding on the property must be certified that it works properly. She stated the additional hydrants could be assessed to the property owner. She explained the paved access meaning to the new building addition only which will be the truck access.

Discussion followed on the new service road with the Hwy 7 project.

Ms. Wischnack stated the conditions are tied to the building.

Item 3 should state the paved access to the new building.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Fraser the hearing closed at 5:50 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations changing item 3 to state paving to the new building. Seconded by Mr. Hantge. The motion carried with Mr. Haugen abstaining. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held September 23, 2003 in the Council Chambers at 5:30 p.m.

- b) CONSIDERATION OF A PRELIMINARY PLAT TO BE KNOWN AS ROLLING MEADOWS EAST, REZONING OF THE PROPERTY FROM R1 TO R3 PDD AND A REQUEST FOR A PLANNED DEVELOPMENT DISTRICT SUBMITTED BY BRUCE NAUSTDAL, PROPERTY OWNER, LOCATED NORTH OF HWY 7 WEST

Chairman Kirchoff opened the hearing at 5:55 p.m. with the reading of publication #7092 as published in the Hutchinson Leader on September 4, 2003.

Ms. Wischnack explained the request and location. She stated there would be approximately 60 units in the development which is being

developed with the Greater MN Housing Fund. Ms. Wischnack commented on the street and sidewalk locations and reminded the Planning Commission of the proposed roundabout on the north side of the development. She stated the property is 23.25 acres and the lot sizes will be of varying widths and areas in the central portion of the development which will require a Planned Development District. The construction of the alley was discussed at length by the developer and staff. The proposed houses will have attached garages to the alley. Ms. Wischnack commented on the stormwater ponding locations. She stated a concern has been raised by one property owner to the west regarding drainage. The stormwater pond should alleviate the drainage problems to the west. Ms. Wischnack commented on the maintenance issues and suggested a planting plan to aid with the maintenance.

Discussion followed on the roundabout concept with Mr. Hantge expressing concern and opposition to the concept in our rural area. Ms. Wischnack explained the roundabout issues will be decided by the City Council. She commented on the planned development regulation of 20% open space. This development is slightly short of the 20%. She commented on the parkland proposed and stated the City has not been accepting parkland due to lack of funding to maintain and equip parks. A compromise for this park will be discussed with the Park Staff and Park Board regarding the dedication of the land and a contribution of dollars toward maintenance and equipment. She reminded the Planning Commission of the escrow required for tree planting and commented on the following staff recommendations: 1. Resolution of access to on-going maintenance required for the ponding areas. 2. Plans must indicate the trail and sidewalk locations. 3. If single family homes are built on the south side of the project, additional drainage and utility easements are necessary. 4. Acknowledgement of the park issues must be submitted by the applicant. 5. A subdividers agreement will be considered prior to the final plat and then executed at the time of final plat. 6. Drainage issues must be addressed with the property to the west.

Discussion followed on the pedestrian traffic on School Road and Golf Course Road. Ms Wischnack stated Mr. Naustdal is designating area for trails in this development which will connect to other trails in the area this may alleviate the pedestrian traffic on the previously mentioned streets.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:15 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held September 23, 2003 in the Council Chambers at 5:30 p.m.

- c) CONSIDERATION OF A VARIANCE AND CONDITIONAL USE PERMIT REQUESTED BY ART BENJAMIN FOR CONSTRUCTION OF GARAGE ADDITION LOCATED AT 108 GROVE ST SW

Chairman Kirchoff opened the hearing at 6:17 p.m. with the reading of publication #7093 as published in the Hutchinson Leader on September 4, 2003.

Ms. Baumetz commented on the request and explained the need for both a variance and conditional use permit. She stated the total garage will not be covering more than 25% of the rear yard even though it is proposed to be 1149 sq. ft. Discussion followed on the height of the roof of the addition. Ms. Baumetz commented on the staff recommendations as follows: 1. It appears water and sewer lines are located under the proposed addition. It may be necessary to locate the curb stop in the driveway apron. If the curb stop does need to be located in the driveway, the top of the curb stop must be sleeved when the new concrete is poured. Additionally, the sewer service line would be covered and if there were any issues with it, it would have to be replaced. 2. There is a boulevard tree located in the location of the new driveway. The tree must be moved to another location in the boulevard. Contact with the City Forester must be made to discuss the arrangements. 3. Removal or relocation of natural gas or electric service will be at owner's expense. 4. Garage height must not be more than 16'. 5. Home occupations are not allowed in an accessory building. 6. Building code requires fire walls in structures which are located closer than 5 feet from the property line. This requirement will be necessary for the existing and new structure on both the North and West property line walls.

Mr. Benjamin, property owner, stated the sewer line does not run under the proposed addition. He also stated there is a fire wall on the North side of the present garage. The wall was constructed in 1990 when a variance was approved for an addition to the east side of the garage.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 6:28 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen discussion followed. Ms. Otteson stated her concern with allowing the construction of such a large garage in an area where the sight on Lynn Road would be blocked and cause a safety issue. She stated there are other options for a larger garage on this property. Chairman Kirchoff called for the motion. The motion carried 6 ayes to 1 nay by Ms. Otteson. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held September 23, 2003 in the Council Chambers at 5:30 p.m.

- d) CONSIDERATION OF PRELIMINARY AND FINAL PLAT TO BE KNOWN AS COUNTY FAIR MARKETPLACE THIRD ADDITION AND COUNTY FAIR MARKETPLACE FOURTH ADDITION SUBMITTED BY RYAN COMPANIES

Chairman Kirchoff opened the hearing at 6:34 p.m. with the reading of publication #7094 as published in the Hutchinson Leader on September 4, 2003.

Ms. Wischnack commented on the confusing factor of this request as the property is both in abstract and torrens. She explained the request is to clarify separate descriptions for the property. She stated the OEA parking agreements must show the new legal descriptions as stated in the staff recommendations.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 6:38 p.m. Mr. Hantge made a motion to recommend approval of the request with staff recommendations to indicate the new legal description in the parking agreement of the OEA. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held September 23, 2003 in the Council Chambers at 5:30 p.m.

e) CONSIDERATION OF REPLAT OF ISLAND VIEW HEIGHTS FOURTH ADDITION TO ISLAND VIEW HEIGHTS SIXTH ADDITION AND AMENDMENT TO PDD SUBMITTED BY SCENIC HOMES, INC

Chairman Kirchoff opened the hearing at 6:39 p.m. with the reading of publication #7095 as published in the Hutchinson Leader on September 4, 2003.

Ms. Wischnack commented on the replat of Island View Heights 4<sup>th</sup> Addition and explained the preliminary plat indicates the new plat over the previous plat. She stated the road would have to be built to City standards and the plans have been submitted to the City Engineer. Because sewer and water stubs are located within the area presently and some need to be relocated to accommodate the new lot locations, the water services must be removed and corporation stops must be turned off at the main. The sewer services need to be removed to the main and plugged.

Ms. Wischnack commented on the three narrow lots and the ability to construct a homes on these lots. Research confirmed it can be done. There is a concern by staff about the responsibility of maintenance with the ponding area. Lot number 23 seems that it has a larger responsibility to maintain the ponding area. This may be a problem in the future. She commented on the fees required for parkland, SAC/WAC, electric service territory and the bonding required including escrow for tree planting.

Ms. Wischnack commented on the following staff recommendations: 1. Resolve the outstanding issues for Island View Heights 5<sup>th</sup> Addition, prior to final plat consideration. 2. Revise lot layout or provide a building plan that works for lots 1,2, and 3. 3. Provide a more amenable maintenance resolution for the pond area, with respect to Lot 23. 4. Securities must be in place prior to construction. 5. Change the setbacks in the PDD to 25' front and rear and 6' on the side (only for this replat area). 6. Services must be abandoned/capped. 7. Subdivider's agreement must be executed prior to construction. 8. No certificates of occupancy for homes will be considered until the utility improvements are complete and a base course of bituminous is constructed.

Discussion followed on the park in the area which has turned into a construction dump. There are no direct plans to complete the park this year. City does not have funding to develop the park at this time. Ms. Wischnack explained parkland contribution goes to the park dedication fund.

Mr. Gilk, property owner, stated staff recommendations #2 and #3 could be omitted since lots 1, 2, and 3 are buildable lots and number 3 regarding lot 23 ponding is mostly water. He stated he considers the wetland an amenity to the lot. His understanding is the City will clean out the settling pond when needed. Mr. Gilk stated the need is now for single family homes and this plat will be less density than originally proposed. He explained item number 1 regarding the issues with Island View Heights 5<sup>th</sup> Addition will be resolved. He has hired another contractor to complete the work. Mr. Gilk also commented on the park in the plat. He stated most city parks have sponsors to aid in the funding this park does not have a sponsor and is in the process of being filled to bring it to grade. He stated if the Park Board wants to stop the filling he will participate in the effort and will attend the Park Board meeting.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 7:00 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations excluding #2 and #3. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held September 23, 2003 in the Council Chambers at 5:30 p.m.

- f) CONSIDERATION OF VARIANCE REQUESTED BY MATTHEW KUHN TO REDUCE FRONT YARD SETBACK TO CONSTRUCT A ROOF OVER A DECK 14.2 FEET FROM FRONT PROPERTY LINE LOCATED AT 530 GLEN ST SW

Chairman Kirchoff opened the hearing at 7:04 p.m. with the reading of publication #7096 as published in the Hutchinson Leader on September 4, 2003.

Ms. Baumetz commented on the request and explained the project did begin with staff approval for the deck portion of the request. She stated there was some confusion as to the location of the property line and Mr. Kuhn was to provide a survey before the variance application was obtained. Ms. Baumetz stated the staff recommended approval of the variance with the stipulation the deck could not be enclosed in the future.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 7:10 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Otteson. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at

their meeting held September 23, 2003 in the Council Chambers at 5:30 p.m.

At this time, Chairman Kirchoff moved forward to the Old and New Business items.

g) **CONSIDERATION OF AMENDING ZONING ORDINANCE TO ALLOW FOR RESIDENTIAL PROPERTIES IN THE C3 DISTRICT**

Chairman Kirchoff opened the hearing at 8:00 p.m. with the reading of publication #7097 as published in the Hutchinson Leader on September 4, 2003.

Ms. Wischnack explained the staff submittal and commented on this being the beginning stages to alleviate the housing requirements in the C-3 District. She stated this does not address duplex or other multi-family structures presently in the C-3 district.

Discussion followed on safety of structures to be remodeled, insurance issues and other problems with owning a residence in a commercial district.

Mr. Fraser made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 8:10 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Otteson. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held September 23, 2003 in the Council Chambers at 5:30 p.m.

**4. NEW BUSINESS**

a) **DISCUSSION OF SKETCH PLAN SUBMITTED BY FARR DEVELOPMENT (RIEWER PROPERTY)**

Ms. Wischnack commented on the sketch plan and the process to develop the Riewer property. She stated this will be under the Shoreland Management Ordinance regarding rivers. There is a difference in the ordinance for lakes as opposed to rivers. She stated the property is approximately 25 acres and the development would be approximately 100 units. Ms. Wischnack stated there will be flood plain issues and the DNR would determine the flood way and flood plain areas. The development could be a planned development district which would require 20% open space. She commented on the comprehensive staging plan which this area is in the 2000-2005 staged growth area. The Comprehensive Plan calls for Traditional Residential Neighborhood for this area. A wetland delineation will be necessary.

Discussion followed on the park in the plat. The developer could develop and maintain a park. The City would not be interested in owning additional parkland.

There would need to be 50 feet of right of way dedicated from the centerline of Jefferson Street. There should be further discussion on adjoining properties and extension of rights of way to provide continuous street configurations.

There is sewer availability to this area. The water line will be extended with the completion of Edmonton Ave.

Mr. Mike Gair, MFRA Associates, commented on the plan and explained his company's relationship with Farr Development. He explained the density of the project and the elevations and setbacks to the river.

Discussion followed on the pocket park proposed. Mr. Gair commented on the park as an amenity to the project. Ms. Wischnack stated other cities do allow small parks to be owned privately by an association for maintenance purposes.

Mr. Gair stated the stormwater ponding will be addressed.

Ms. Wischnack commented on the City owned properties and the uses across the river from this site. She stated the trails incorporated in the development must mesh with the City trails.

This will take no action and is for information purposes only.

**5. OLD BUSINESS**

a) **CONSIDERATION OF CONDITIONAL USE PERMIT FOR A FENCE LOCATED AT 700 AIRPORT RD**

Ms. Wischnack stated this item was tabled at the August meeting. She explained the fence is now completed and Mr. McRaith is also requesting an amendment to the original Conditional Use Permit asking for outdoor storage on the property.

Ms. Wischnack stated the issues with the trashed cars on the property are being adequately addressed and progress has been made.

Mr. McRaith, property owner, explained he would like permission for outdoor storage to store lumber, metal sheeting and other construction materials that he uses for projects on site. The area for the storage is approximately 5 feet lower than the building and he would construct a berm to screen the storage from Airport Road.

Discussion followed regarding airport regulations regarding berms near the flight zone.

Mr. McRaith stated he would maintain the area by planting clover or prairie grass for a natural look.

Mr. Fraser made a motion to approve the amendment to the Conditional Use Permit allowing outdoor storage with the following conditions provided the airport question is answered: 1. The berm must be completed 30 days from the approval of the City Council. 2. Seeding must take place immediately after grading of the area and 3. Outdoor storage of construction materials will be allowed with this Conditional Use Permit. Seconded by Mr. Hantge. The motion carried unanimously. This item will be forwarded to the City Council for their meeting September 23, 2003 to be held at 5:30 p.m. in the council chambers.

**6. COMMUNICATION FROM STAFF**

- a) Annexation of City Property in Industrial Park (Wetheral property) Ms. Baumetz commented on the petition by the EDA to annex the property for industrial development. The property is in Hassan Valley Township.
- b) Ms. Wischnack commented on issues in Summerset 2<sup>nd</sup> Addition regarding drainage and water testing.
- c) Ms. Wischnack stated the Hutchinson Downtown Plan is being recognized at the MN APA State Planning Conference on September 25<sup>th</sup>.

**7. ADJOURNMENT**

There being no further the meeting adjourned at 8:15 p.m.

**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, November 18, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Jim Haugen, Lynn Otteson, Mike Flaata, Robert Hantge and Chairman Kirchoff. Absent: Brandon Fraser and Farid Currimbhoy Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated October 21, 2003

Ms. Otteson moved to approve the minutes of October 21, 2003 as submitted. Seconded by Mr. Haugen. The minutes were approved unanimously.

**3. PUBLIC HEARINGS**

a) CONSIDERATION OF **VACATION OF EASEMENTS** IN ISLAND VIEW HEIGHTS 4<sup>TH</sup> ADDITION AND **FINAL PLAT** OF ISLAND VIEW HEIGHTS 6<sup>TH</sup> ADDITION REQUESTED BY BILL GILK, SCENIC HOMES, PROPERTY OWNER

Chairman Kirchoff opened the hearing at 5:35 p.m. with the reading of publication #7117 as published in the Hutchinson Leader on November 6, 2003.

Ms. Wischnack commented on the request and explained the replat of Island View Heights 4<sup>th</sup> Addition to Island View Heights 6<sup>th</sup> Addition. She stated the replat creates the need to vacate the previous drainage and utility easements and the replat will show new easements. This plat has been developed in phases.

Scott Haag, 1085 West Shore Dr. SW, had questions regarding density. Ms. Wischnack stated the density will be decreased going from two family to single family housing.

Ms. Wischnack commented on the following staff recommendations:

1. Securities must be in place prior to construction.
2. Change the setbacks in the PDD to 25' front and rear and 6' on the side (only for this replat area).
3. Services must be abandoned/capped.

4. Subdivider's agreement must be executed prior to construction. (A 7% engineering fee will be required.)
5. No certificates of occupancy for homes will be considered until the utility improvements are complete and a base course of bituminous is constructed.
6. Tree escrow money of \$7,360 is required.
7. Parkland contribution of \$175.00 per unit will be charged with each building permit.
8. SAC/WAC charges and electric territory charges will be collected with the building permit.

Mr. Gilk, property owner, stated he does understand the conditions.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Hantge 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. Flaata discussion followed on the condition of the park in the development. Ms. Otteson stated she would like to see a ninth condition requiring grading and seeding of the park. Dolf Moon, Director of Parks and Recreation, explained the parkland contribution process. He stated there is an adoptive group waiting to take over the park. The city has not had the man power to work in this area. Ms. Otteson withdrew her suggestion. After discussion, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held November 25, 2003 in the Council Chambers at 5:30 p.m.

- b) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY CINEMA 1, LLP, PROPERTY OWNER, TO EXPAND THE EXISTING FACILITY BY TWO SCREENS LOCATED IN THE I/C DISTRICT AT 766 CENTURY AVE SW

Chairman Kirchoff opened the hearing at 5:50 p.m. with the reading of publication #7118 as published in the Hutchinson Leader on November 6, 2003.

Ms. Wischnack explained the proposed addition and the location. She stated this is the second phase as proposed when the building was constructed. Ms. Wischnack stated the parking requirement would be calculated by the use. In this case, the use most like movie theaters would be places of assembly which is a 1:4 ratio. This ratio would mean the theater would need 342 spaces. The property owner is asking to reduce the number of spaces to 314. There is a 30 year parking agreement with the McLeod County Fairgrounds to use the parking lot to the south of the theater. Ms. Wischnack stated the staff requested a study be conducted to determine the need. A study was provided and it appears the area will not be over parked.

Ms. Wischnack commented on the stormwater management in the area and it was determined by staff the drainage plan is appropriate. She then commented on the staff recommendations as follows:

1. Boulevard trees were required as a condition of the previous conditional use permit. Consult with the City Forester regarding plans for added boulevard trees. This condition must be completed by May 31, 2004.
2. The issuance of this conditional use permit does not confirm that there may be a need for additional parking at some point in the future. If the City receives complaints and verifies the complaints, the City will hold an additional public hearing to determine the correct remedial action.
3. The conditional use permit is valid for a term of 6 months. The permit shall expire if the project has not commenced.

Mr. Bryon Sieve, Cinemagic Theaters, explained the experience the company has had with city ordinances which typically over-park the developments. He explained the staggering of shows to relieve the parking strain. He stated the present parking is reasonable and the agreement does give the right to more parking.

Discussion followed on the staggering of shows and the congestion when picking up persons from the shows. Mr. Sieve explained the typical length of a movie and the process they use to handle a longer show. He also stated there were boulevard trees along the property at one time however they were removed with the construction of the path. Ms. Wischnack stated they should work with the City Forester in determining the appropriate species of trees for the area.

Mr. Hantge asked to explain stadium seating. Mr. Sieve stated stadium seating provides for better viewing of the movie. He explained there will be less seats but there is a better view of the screen. Mr. Sieve stated the addition will not add much to the seating count. He also stated they will begin the project as soon as possible after receiving the Conditional Use Permit.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Hantge. The hearing closed at 6:13 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen, discussion followed regarding recommendation number 2. Mr. Hantge had concerns with item 2 stating it doesn't seem to work to regulate after there is a problem. Ms. Wischnack gave some options of recommendations for the commission to consider. Atty. Sebora stated theaters are not defined for parking requirements and the commission could require the 342 spaces. After discussion, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held November 25, 2003 in the Council Chambers at 5:30 p.m.

- c) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY HUTCHINSON COOP, PROPERTY OWNER, TO CONSTRUCT AN

OVERHEAD FERTILIZER BIN WITH FLOOD PLAIN ALTERATIONS IN THE I/C DISTRICT LOCATED AT 200 – 3<sup>RD</sup> AVE NW

Chairman Kirchoff opened the hearing at 6:25 p.m. with the reading of publication #7119 as published in the Hutchinson Leader on November 6, 2003.

Ms. Wischnack commented on the location of the request. She stated this is a complicated request because of the I/C District and the flood plain issues. She explained the request is for the construction of a 60 ton fertilizer bin. There is no foundation. The structure is on legs. She stated the State Flood Plain person was contacted and the Department of Agriculture requires there be a paved area to provide a clean up area in case of a spill. Staff discussed concerns about placing a structure such as this in the area, staff understands the need for the use. The use was there for many years. Ms. Wischnack commented on the following staff recommendations:

1. The applicant must be aware that there will be pending landscaping and buffering improvements to the south of the property would be constructed by the City and that cost would be assessed back to the benefiting property owners.
2. That there be paved access to the newly constructed building constructed and an apron be reconstructed in and around the bin area. (The pavement would need to be completed by May 31, 2004, because of weather constraints.)
3. Building code compliance must be discussed with the building official. (Issues of fire rating the existing building, office, may be necessary.)
4. The conditional use permit is valid for six months, unless an extension is requested or construction of the bin has commenced.

Discussion followed on the stormwater ponding assessment at the time of the Hwy 7 project. Stormwater may need to be treated.

Mr. Hantge asked if all property owners along Hwy 7 will be assessed for stormwater retention ponding. Ms. Wischnack stated property benefiting from the ponding would be assessed. Statute 429 requires you assess at a rate that is going to increase the market value. She stated an assessment is anticipated. It is not accurate to say every property will be assessed. Mr. Hantge asked why Cennex would be assessed since they are located far from the other properties discussed in earlier Conditional Use Permits. Ms. Wischnack stated a need for ponding with the Hwy 7 improvements for runoff from Hwy 7 will be determined.

Mr. Paul Barchenger, Hutch Co-op, stated the product to be stored in the bin is a dry product and spills are cleaned up immediately. He explained the liquid product is stored in a contained area. He commented on the color of the bin which will be forest green and the leg is stainless steel. Mr. Barchenger explained the facility is a holding bin for loading trucks.

Ms. Wischnack stated the facility is more efficient. She explained screening will be required and is attached to the Conditional Use Permit. Mr. Barchenger asked if screening is required whether the project is completed or not. Ms. Wischnack stated screening is a requirement if the project is completed. Mr. Barchenger questioned if they do not construct the project is screening required. Ms. Wischnack stated the City does want to do a screening project in the area and is not sure of the timing. She explained grants will be written to supplement the funding and that process takes about a year. There is no exact date.

Mr. Hantge asked will Cennex pay for it whether the project is constructed or not. Ms. Wischnack stated she is not sure how it will work as far a payment for screening. She stated Dolf Moon and John Rodeberg would like to see some type of volunteering by the property owners to do the screening as it may be hard to show a benefit. Mr. Barchenger asked if she could give him an estimate of the cost. Ms. Wischnack stated the estimate for Hutch Mfg, 800 ft, would be approximately \$10,000. This property is 370 feet.

Mr. Hantge asked if the trailers were parked on city property. Ms. Wischnack stated the property is rail road property and owned by Hennepin County Parks. It is anticipated it will be owned by the City in the future. Cennex leases from Hennepin County. Discussion followed on the truck traffic in the park area.

There was discussion on the placement of a stormwater retention pond. Ms. Wischnack stated MNDOT will provide runoff calculations in the future and at this time the city is not certain of the placement. Mr. Flaata asked if Cennex has permission to park in that area and when sold to the City can they still park there. Ms. Wischnack stated we do not know since we don't have access to lease agreements.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen. The hearing closed at 6:45 p.m. Mr. Hantge made a motion to recommend approval of the request with staff recommendations with the addition of a fifth condition regarding stormwater management. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held November 25, 2003 in the Council Chambers at 5:30 p.m.

d) **CONSIDERATION OF LOT SPLIT AND VARIANCE REQUESTED BY ROBERT BEELER, PROPERTY OWNER, OF PROPERTY LOCATED AT 903 HWY 15 SOUTH**

Chairman Kirchoff opened the hearing at 6:48 p.m. with the reading of publication #7120 as published in the Hutchinson Leader on November 6, 2003.

Ms. Wischnack explained the encroachment of property from the parking lot to the north. She commented on the setbacks of the primary and accessory buildings and the building code regulations that would become

effective should the property lines change. She stated the property owner would be willing to create an easement agreement and not split the lot. The property owner to the north is not in favor of an easement agreement and has been the driving force for the lot split. She explained at some point the lot was paved. Mr. Sjostrand indicated there was a repair done. There is no building permit on file approving the parking lot paving.

Ms. Wischnack commented on the following staff analysis and recommendations: Adjusting a property line is never an easy task. The existing building locations and parking areas have complicated the property owner's titles to the property. The original encroachment happened many years ago, but yet continues to exist. The movement of the property line would cause two negative impacts to the 903 Highway 15 South property: 1. The new garage that was constructed in 2002 would become non-conforming with respect to the required 6 foot setback. Any future additions would have to be allowed only by variance. 2. The new lot line near the building would cause a problem with the building code. The building code discusses a lot of complexities with respect to relationships between types of occupancy and proximity to the property line. There would need to be some costly building modifications made to Mr. Beeler's northern wall and/or roof to properly fire rate the building to meet code. The theory is that the closer you allow a building to be placed to a property line, the closer proximity other buildings may be constructed in the future; thus creating more of a fire hazard.

Staff recommends denial of the lot split and variance based on the findings set forth above.

Mr. Hantge asked to step down and address the Commission as a neighboring property owner. He explained his concern with the apartment building parking issues and the stormwater runoff in the area. He stated the apartment owner paved the lot about a year and a half ago. Mr. Hantge explained they enlarged the size of the parking lot, did not address stormwater runoff and nothing has been done by the City. He would like an answer from the City on how this issue will be addressed.

Ms. Wischnack stated unfortunately sometimes people do not apply for permits and we find out after the fact. In this case, we did not witness what happened. It is difficult to violate someone in that capacity. Normally you have to have before and after photos in order to prove there was a violation. The property owner did admit over the phone there was a repair. The City proposal was to double the fee for the violation which is common when people do not get a permit. Secondly, the stormwater management issue, there has not been a requirement for an existing structure such as an apartment complex for storm water retention. Mr. Hantge commented unless they change the parking lot. Ms. Wischnack explained we do not know how much pavement was added. There are no statistics on this. If they don't meet the numbers for impervious surface and the calculations of that as Mr. Hantge did in his case. Mr. Hantge stated the entire parking lot is new not a repair.

Chairman Kirchoff commented if we do not know what was repaired or what was existing how would we make a ruling on what was there before. He does not question it probably is a new parking lot but if we don't receive a permit the only thing we can do is address it by doubling the fees.

Mr. Hantge asked what to you do when they are closer to the property line than allowed. Are they required to remove it? What is the setback in this district? Ms. Baumetz stated 6 feet.

Chairman Kirchoff asked what was existing and what was new. Ms. Wischnack stated that's the hard part we don't know. Mr. Flaata asked can it be checked out.

Mr. Hantge asked if we are setting a precedent. What is a double fee as opposed to having to address the concerns. Ms. Wischnack stated she does understand the concern.

Ms. Wischnack stated the other issue is there was no requirement for stormwater management and we don't know if he did a total repave for a fact. Mr. Hantge stated if you would go out and look you would see it is all brand new.

Ms. Wischnack stated her opinion about what it looks like today and whether or not it is new may not be valid. You need a before and after picture for proof. In his opinion it was a repair, it is hard to determine ramifications for requiring a stormwater management plan. If he had come in for a driveway or parking lot repair permit, we would guess the answer is no. There was no building activity and no Conditional Use Permit requirement. There was no indication there was over an acre of improvements in terms of what was occurring on site. That is the ultimate question of stormwater management. Ms. Wischnack stated there is an existing use there.

Chairman Kirchoff stated we must stay on task which is the consideration of a lot split and variance. He asked Ms. Wischnack if this could be tabled. She stated it would be beyond the 60 day rule and cannot be tabled. Discussion followed on the possibility of waiving fees if this were denied and the property owner would reapply. Ms. Wischnack stated minus the publication fees.

Butch Hausladen commented to the parking lot issue asking if he does apply for a permit now will he have to qualify for approval of the permit?

Atty. Sebora explained we work with the City Engineer and Building Official to investigate a violation. Then it is given to the Police Department and possibly prosecuted.

Ms. Wischnack stated the permit will not automatically be approved. She commented on what would have happened had he come in for a permit. She still does not believe there would have been a requirement for stormwater management.

Mr. Hantge stated the entire neighborhood is low. He was required to construct outlets to drain the neighborhood. It was known ahead of time there was a

drainage problem in the neighborhood. Ms. Wischnack stated she is not saying that if asked the question would the parking lot cause a stormwater improvement the answer would definitely be no. Mr. Rodeberg obviously makes those decisions.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson. The hearing closed at 7:04 p.m. Mr. Haugen made a motion to recommend denial of the request and if the applicant would reapply the fee would be waived the advertising cost only would be required. Seconded by Mr. Flaata. The motion carried with Mr. Hantge abstaining. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held November 25, 2003 in the Council Chambers at 5:30 p.m.

e) **CONSIDERATION OF PRELIMINARY AND FINAL PLAT TO BE KNOWN AS FIRST ADDITION TO THE MEADOWS SUBMITTED BY MCLEOD COUNTY, PROPERTY OWNER**

Chairman Kirchoff opened the hearing at 7:06 p.m. with the reading of publication #7121 as published in the Hutchinson Leader on November 6, 2003.

Ms. Wischnack explained the ownership of the property dating back many years. She stated the deed from the County to the City did not get filed at the time. As a result, the County is platting the property to deed to the City of Hutchinson.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Flaata. The hearing closed at 7:09 p.m. Ms. Otteson made a motion to recommend approval of the request. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held November 25, 2003 in the Council Chambers at 5:30 p.m.

f) **CONSIDERATION OF ADOPTING THE HIGHWAY 7 ACCESS MANAGEMENT ORDINANCE**

Chairman Kirchoff opened the hearing at 7:10 p.m. with the reading of publication #7122 as published in the Hutchinson Leader on November 6, 2003.

Ms. Wischnack commented on the previous presentations to the Planning Commission by MNDOT. She explained the modification of access requirements and the process of applying for a variance.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 7:15 p.m. Ms. Otteson made a motion to recommend approval of the request. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held November 25, 2003 in the Council Chambers at 5:30 p.m.

4. **NEW BUSINESS**

- a) PRESENTATION BY DOLF MOON, DIRECTOR OF PARKS AND RECREATION, REGARDING PARKLAND DEDICATION VERSUS PARKLAND CONTRIBUTION

Mr. Moon gave the Planning Commissioners insight on the issues the City has with parkland dedication in new plats. He commented on the inventory of park history and employee history. He stated there is a growing demand for parks and maintenance with less staff.

- b) DISCUSSION OF NUISANCE ORDINANCE

Item was tabled to the December meeting.

5. **OLD BUSINESS**

None

6. **COMMUNICATION FROM STAFF**

- a) DISCUSSION OF TOUR AND MEETING WITH CITY COUNCIL

The Planning Commission will discuss a joint meeting with the City Council to be held in January. This meeting will include a tour of the City.

7. **ADJOURNMENT**

There being no further the meeting adjourned at 8:00 p.m.

**MINUTES**  
**HUTCHINSON PLANNING COMMISSION**  
**Tuesday, December 16, 2003**  
**Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge and Chairman Kirchoff. Absent: None Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

**2. APPROVAL OF MINUTES**

a) Consideration of Minutes dated November 18, 2003

Mr. Hantge questioned the wording in two areas of the minutes. Ms. Baumetz will listen to the taped minutes and make the changes. Mr. Hantge moved to defer the action on the minutes until the next meeting to provide time to review the revised minutes. Seconded by Mr. Flaata. The motion carried.

**3. PUBLIC HEARINGS**

a) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY OUR SAVIOR'S LUTHERAN CHURCH TO CHANGE USE OF EXISTING PARSONAGE TO A CHURCH OPERATED CHILD CARE FACILITY LOCATED AT 810 BLUFF ST NE

Ms. Wischnack stated the applicant would request to delay action on the submittal. She explained there are some building code related concerns. The church will review the concerns which include accessibility and fire code.

Mr. Haugen moved to table the hearing to the January 20, 2004 meeting. Seconded by Ms. Otteson. The motion carried unanimously.

b) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY RED MCMONAGLE TO RESTORE THE STATE THEATER SIGN TO ORIGINAL LOOK PROJECTING ABOVE THE ROOF LOCATED AT 35 WASHINGTON AVE

Chairman Kirchoff opened the hearing at 5:44 p.m. with the reading of publication #7129 as published in the Hutchinson Leader on December 4, 2003.

Ms. Wischnack commented on the request and stated the restored tower will not be as tall as the original. There were pictures presented of the theater in the past, present and future. Ms. Wischnack stated the marquee will project over the right of way and must be at least 8 feet from the sidewalk. The ticket booth proposed to protrude into the right of way will require a franchise agreement with the city.

Ms. Wischnack commented on the following staff recommendations:

1. Any encroachment into the right of way at grade level must be reviewed through the franchise process.
2. The marquee and design of the signage must follow the drawings submitted with the application dated 11/17/03.
3. The projection shall be reviewed for building code compliance to ensure safety of the structure.

Discussion followed on flashing lights on the signs. Flashing lights are prohibited in the City.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Currimbhoy. The hearing closed at 5:50 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations and the addition of a fourth recommendation stating "no flashing lights are allowed on the building or marquee". Seconded by Mr. Flaata. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held December 23, 2003 in the Council Chambers at 5:30 p.m.

#### **4. NEW BUSINESS**

##### **a) DISCUSSION OF NOTICE FROM HENNEPIN COUNTY REGIONAL RAIL AUTHORITY REGARDING EXEMPT ABANDONMENT IN MCLEOD, CARVER AND HENNEPIN COUNTIES**

John Rodeberg, Director of Engineering, commented on the abandonment of the rail road line. He explained the line was purchased by Hennepin County. He commented on the notice of abandonment and the letter from Atty. McGraw. He stated the motion should include verbiage from Atty. McGraw's letter 'to preserve as a future transportation corridor'.

Mr. Rodeberg stated the removal of the tracks will be clarified. He explained the McLeod County Rail Authority will own the main corridor and the City will own the industrial area portion.

Mr. Hantge made a motion to approve the abandonment which is consistent with our plans to have the corridor preserved as a future transportation corridor. Seconded by Mr. Fraser. The motion carried unanimously. This item will be placed on the City Council agenda for their December 23, 2003, meeting at 5:30 p.m.

b) DISCUSSION OF NUISANCE ORDINANCE

Ms. Wischnack explained the City is in the process of codifying the City Code. One of the sections deals with nuisances. She stated there are three categories as follows: Health, Morals and Decency and Peace and Safety. She explained the enforcement team was created to communicate between departments in a more cohesive manner. Ms. Wischnack pointed out the top nuisances as dogs, odor, weeds, junk, property line disputes, noise, rental property and drainage. The section of abating the enforcement was discussed. It was the consensus of the planning commissioners the property owners should have the opportunity to go to the City Council.

Ms. Wischnack stated she will rewrite the ordinance for review next month.

Atty. Sebora stated there should be a definition of public nuisance and define considerable number of the public.

c) EXTENSION OF CONDITIONAL USE PERMIT REQUESTED BY MENARDS

Ms. Wischnack commented on a request by Menards to extend their Conditional Use Permit to February, 2005. She reminded the Planning Commissioners of the original request for and new entrance and a pole type storage area on the south side of the lot. She stated the staff has no concerns with the extension.

Mr. Hantge made a motion to recommend approval of the request. Seconded by Mr. Currimbhoy. The motion carried unanimously. Noting Ms. Otteson was not present.

d) DISCUSSION OF LETTER FROM ORLIN HENKE REGARDING NEIGHBORING SNOW FENCE

Ms. Wischnack commented on the letter from Mr. Henke, 410 School Rd N. She explained the steps taken by staff regarding the snow fence put up by the property owners at 400 School Rd. N. It was the consensus of the Planning Commission to forward the item to the City Council for their decision on the matter.

5. **OLD BUSINESS**

6. **COMMUNICATION FROM STAFF**

a) Tour and Joint Meeting with City Council – ??Wednesday, January 28, 2004 – 3:30 p.m. to 6:00 p.m. ??

Ms. Wischnack stated the meeting will be public noticed. She asked the Commissioners to call with ideas for the tour. The agenda will be in the January 20 packet.

7. **ADJOURNMENT**

There being no further the meeting adjourned at 6:45 p.m.