

MINUTES
HUTCHINSON AREA JOINT PLANNING BOARD
Wednesday, January 21, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Bill Arndt at 5:30 p.m. with the following members present: Jon Christensen, Larry Karg, Carl Runke, Grant Knutson (5:40 p.m.) and Chairman Arndt. Absent: LeRoy Schmandt Also present: Marc Sebor, City Attorney, Marc Telecky, McLeod County Assistant Zoning Administrator and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

- a) Consideration of Minutes dated October 15, 2003 and December 17, 2003

Mr. Christensen made a motion to approve the minutes of October 15 and December 17, 2003. Seconded by Mr. Runke. The motion carried unanimously.

3. PUBLIC HEARINGS

- a) CONSIDERATION OF **PRELIMINARY PLAT** TO BE KNOWN AS AMS SUBDIVISION LOCATED IN SECTION 33, HUTCHINSON TOWNSHIP SUBMITTED BY BARRY SCHAFFER, PROPERTY OWNER

Chairman Arndt opened the hearing at 5:35 p.m. with the reading of publication #7138 published in the Hutchinson Leader on Thursday, January 8, 2004.

Mr. Telecky commented on the request for a 3 lot plat located in Hutchinson Township. He reviewed the size of the lots, zoning and location and commented on the road alignment to maximize the lot potential. Mr. Telecky commented on the staff recommendations as follows:

1. The future platting of the property should be amended to better fit future roadways. Staff has sketched an idea for a possible urban road alignment.
2. There needs to be cross easements and maintenance agreements supplied for the septic tanks/lines. There is a shared system and items regarding payment, upkeep, and failure need to be identified and secured in a legal document.
3. A retaining wall located west of the existing building needs to obtain an easement from Lot 1, since it crosses the property line.

4. Stormwater run off for new or existing buildings may not travel into the existing ponds to the south and east. There needs to be some type of ponding provided prior to run-off entering this area.
5. There needs to be an access easement agreement for Lots 2 and 3, from Lot 1, if they will continue to use the existing access point off of the frontage road.
6. No secondary septic areas may be disturbed by construction on the property.
7. Existing tile lines, culverts or other drainage patterns may not be disturbed without further review.
8. All items must be satisfied prior to application for final plat.

Mr. Telecky explained the need for cross easements on the properties. He stated a 9th recommendation should be added noting variances are required for reduction of septic areas on the lots.

Discussion followed on the failure to accomplish the conditions and actions that are necessary to meet the requirements.

Atty. Seboria stated the conditions must be complete by the final plat approval.

Mr. Christensen moved to close the hearing. Seconded by Mr. Knutson, the hearing closed at 5:50 p.m. Mr. Christensen made a motion to approve the request with staff recommendations including the ninth conditions requiring a variance. Seconded by Mr. Knutson the motion carried unanimously. Mr. Telecky stated this item would be forwarded to the County Board and placed on their consent agenda, February 3, 2004 at 9:00 a.m.

4. NEW BUSINESS

- a) CONSIDERATION OF FOUR LOT **SKETCH PLAN** SUBMITTED BY JAMES HEIKES LOCATED IN SECTION 3, HASSAN VALLEY TOWNSHIP

Mr. Telecky stated the applicant in front of us is Mr. James Heikes at 15873 Hwy 7, Hutchinson MN. The request before us is a 4 lot sketch plan which is currently zoned C4 Fringe Commercial. The location is Section 3, Hassan Valley Township. The adjacent land use is agricultural to the east, west and south. Zoning history there was a conditional use for used car and machinery sales issued March 21st of 2000. The property was rezoned back in September 21, 1999 as well a commercial building and septic permit were issued on October 21, 1999. Skipping ahead to analysis. Mr. Heikes currently has 1 business permitted for on

the current property. Platting this current lot need special attention to future roads, shadow platting, and storm water management. The municipal boundary is close to this property to the west which is zoned GT Gateway District. This property should conform as close as possible to this zone so it is not non-conforming at the point of annexation. This is something we put as a blanket analysis on all properties in the Joint Planning District just for the potential of annexation in the future in my opinion as well as staff's opinion. Skipping ahead to the recommendations. The staff recommendations approval with the following conditions :

1. Storm water management plan must be submitted to handle surface run-off. Ponds should be constructed to the south of the proposed lots.
2. Proposed road plan must be approved by Hassan Valley town board.
3. Shadow lines must be drawn on preliminary plat to reflect future subdivision.
4. Mr. Heikes must work with DNR and MNDOT on proposed trail crossing.
5. NPDES permit must be obtained from MPCA for Storm Water Management.

Number 6 which I have conferred with legal and it is a question I had last week prior to the staff report being written. In the McLeod County Zoning Ordinance we do have a ½ mile setback from commercial buildings from a Hwy Business District to a feedlot and there is a feedlot within a half mile of this request. There is nothing that is made mention to that in the Joint Planning District and because we do not have a Fringe Commercial District in the County but it's a Hwy Business District the question that we had for legal at that time was in regards to similar uses which ordinance would take precedence and it's the feeling of legal that the County ordinance would take precedence. So, moving ahead number six the request is that Mr. Heikes must obtain a variance from the County Board of Adjustments prior to preliminary plat application for the reduction to that setback. With that I will turn it back to the Board if there are any questions comments or concerns.

Ms. Baumetz stated MnDOT did say they would require a right turn lane because of the traffic and they will review the sketch on January 22, 2004 and they would ask Mr. Heikes to wait with the preliminary plat until the review is complete.

Mr. Heikes property owner, stated number one it refers to ponds to be constructed south of the lots. In the sketch plan the ponds are north of the lots. Everything here slopes to the north. Obviously there is a natural slope to the north and then we probably should have shown it but I never thought of it at the time do you see where the tile goes across the road to the left of the culvert where the tile goes on the top of the drawing a little to the left of center? Do you see where the line goes through Hwy 7? That goes into a ditch. There is the beginning of a county ditch across the road so everything flows to the southerly direction, excuse me, to the northerly direction and I assumed there was an error here.

Mr. Telecky stated it isn't an error. The concerns staff had in regard to the trail crossing which was shown on the preliminary plat we don't have elevations obviously on the ponding that's there but if that pond were to take sufficient water from a 40 – 50- 100 year event would that cover the trail crossing. I don't know how big the tile inlet is and that is all something a stormwater management plan would reveal.

Mr. Heikes stated the tile is like an 18" tile that goes across the highway and when the water gets high it would go right through that trail crossing there.

Mr. Telecky asked it would run across the trail. Mr. Heikes stated yes it would. Mr. Telecky stated that is something we would need to work out with the DNR if indeed they own that property or are going to obtain that property as well as comments from MnDOT in regards to backing water up into the right-of-way. Mr. Heikes stated the way it is laid out it would be impossible to be any different. The whole thing is structured in such a manner the trail is the lowest point for water to go except, of course, for the culvert. Mr. Telecky explained the only answer he has for that, he doesn't profess to be an engineer, have someone who is qualified to look at that would be his opinion the best route to go. Mr. Heikes stated I would like to put a very large pond in that area.

Mr. Knutson asked if the trail crossing has ever been connected to a trail. Mr. Heikes stated no it has not. Mr. Telecky stated we sent comments to the DNR and have not received comments from the DNR trails in regard to that so staff was waiting for that as well. It was put on the sketch. Mr. Karg asked doesn't the water run under the underpass when it gets high. Mr. Heikes stated the culvert is 14' wide and 12' tall. On the other side the dirt is higher on the north side than it is on the south side, so the way it is constructed the water is forced to be in it almost all the time. It is not in use at this time. They haven't acquired any property from Mr. Heikes and this end of the culvert is 2 feet from the property line. He met with Christy Rice, DNR trails, and asked her to come out there and where the trail is drawn in is where she said she would see it going. He had heard from the highway department that they wanted to run the trail all the way in and behind Innovative Audio and she said definitely not. His routing of the trail is what she recommended.

Chairman Arndt asked if the trail had land on the south side of Hwy 7. Mr. Heikes stated that is correct. Mr. Arndt asked from the Luce Line Trail east they do not have any property. Mr. Heikes not until you get to Barry Schaffer's by the crossing there. He tried to encourage the snowmobile people to use the trail on their property. He will work with MnDOT and DNR and have attempted to do that already.

Mr. Telecky stated the stormwater management plan is if they are affecting more than an acre of development that is a blanket requirement by the State of MN. You obtain an NPDS permit from the State and to even apply for the NPDS permit they will probably require, in most cases,

especially commercial entities, they will require a stormwater management plan. Mr. Heikes asked who he would consult for a stormwater management plan. Mr. Telecky stated there are many engineering firms and we can help with contacts. We can't suggest anyone. Chairman Arndt asked if the ponds there meet standards? Mr. Telecky stated absolutely if the engineering supports the location of those ponds in front. That was something we talked about like I stated earlier that the ponds may be a better place to the south of the property. 1. In regards to the underpass and 2. to the tile intake. You are going to disrupt someone else's flow because you are creating an impervious amount of land then there is potential problem because you can't direct surface water unto a neighboring property owner. It's in the County Ordinance and I also believe it's in Drainage Rights for State Statutes. Those are issues staff must look at and that's what went into the recommendation in the staff reports to avoid that problem. If the engineer numbers show us different it can stay there.

Mr. Heikes asked about the feedlot requirement. He stated because of the feedlot requirements we couldn't build a home there. At that time, he was told commercial was acceptable. He asked if something has changed on the feedlot thing. Mr. Telecky explained the changes in the County feedlot ordinance in the last 4 years which now affects commercial and highway business uses. He stated now there is a ½ mile requirement. Mr. Heikes stated it was about 4 years ago when he was in and was advised he was to reroute the tile. He did reroute the tile and explained the location. Mr. Telecky stated the setback for residential hasn't changed. He explained they are not in the ¼ mile setback but they are in the ½ mile setback. Mr. Heikes stated when he was in before he was told he could do commercial. Mr. Telecky stated we all have our opinions but that's up to legal. It was a request from legal we obtain the variance prior to the preliminary plat application. He explained the variance process.

Mr. Knutson questioned when this change happened. Mr. Telecky stated it was about April of 2003 the feedlot ordinance was amended. He remembers it was in the Spring. He stated the language in the feed lot ordinance eluded to commercial developments and the commercial development in the feedlot ordinance was not defined. It was the opinion of staff and the feedlot subcommittee to strike the language because the half mile... Mr. Knutson asked who is the feedlot subcommittee? Mr. Telecky stated he doesn't know the official title of the committee. Their recommendation was to strike the language as long as it was in the zoning ordinance. He was confused how to proceed because it is in the County as a highway business district. There is no highway business district in the Joint Planning Ordinance. It is Fringe Commercial but they are close to the same in nature. It goes back to State Statute 394 and 462 which states if there is an ordinance out there on the governing body that supercedes any language in a preceding ordinance then that would take precedence. In this case, we don't talk about a separation or setback distance from a feedlot to a commercial entity or highway business entity or fringe commercial entity in the Joint Planning Ordinance but we do in

the County in a similar district. Atty. Marc Seborá explained the problem, as he sees it, is this Board only has the powers that have been given to it by the County. Our Joint Planning Ordinance does not address feedlots one iota as far as we know. Mr. Telecky stated not in regard to separation or setback distances as we call them. Atty. Seborá stated necessarily that is still controlled by the County and the County regulation. The County regulation is saying for a development such as this you need that ½ mile setback to a feedlot. Mr. Arndt stated that has changed since we started this Board. Mr. Knutson asked if the subcommittee amended the feedlot ordinance. Mr. Telecky stated the language was taken out. Discussion followed on the ½ mile distance from Mr. Heikes' property. Mr. Knutson stated he thought the Joint Planning Area was written to be less restrictive so we could be ready for annexation. It appears that we are going back to the County Ordinance to be more restrictive than we interpreted our Joint Planning ordinance to be and we have been working with staff to make this more friendly and more easily compatible to the City of Hutchinson's Ordinance than to the County's. It seems we are going back to the County's Ordinance. Atty. Seborá and Mr. Telecky agree with that statement. Atty. Seborá stated it needs to be implemented into the Joint Planning Ordinance to address whatever you want to do with feedlots. But since it doesn't you have no recourse but to fall back on the County's rules. Mr. Telecky reminded the Board the Joint Planning Ordinance states no new feedlots, so basically moving forward we are not allowing new feedlots in the Joint planning Area. That's how we addressed this. We did not talk about setback distances and still to this date if you have a feedlot on the fringe of the Joint Planning Area and somebody wants to build a house in the Joint Planning Area they still have to meet that setback and the example was with White's in Acoma Township. We couldn't address everything because according to County staff it was difficult to do that in the feedlot ordinance. Atty. Seborá stated it sounds like you have a great argument for approving a variance. Mr. Knutson stated variances on feedlots take the teeth out of the feedlot ordinance. Mr. Telecky stated we adopted the County's ordinance by reference which we have the right to do. It is tough to address every issue and I don't want Mr. Heikes to get to the preliminary stages and have somebody come in and find this and object to it. Mr. Telecky also had to research and then inquire of legal.

Mr. Telecky explained what is in the staff report requesting a variance on the recommendations on the sketch plan. Staff is saying Mr. Heikes obtain a variance before applying for the preliminary plat. Mr. Karg stated he does not see a problem with granting a variance in this case.

Atty. Seborá stated you will be faced with is problem more and more and that's why it is important to take some action to address this issue for developments within your Joint Planning Area. That way you won't be chipping away at the feedlot ordinance because it will be established as long as you are in this zone you will be ok.

Mr. Darrel Luthens, neighboring feedlot owner, commented on the tile line recently constructed across the property.

Mr. Telecky stated there is not an easy way to address feedlot ordinance and joint planning ordinance. He explained there are no setback requirements to industrial from feedlots in the Joint Planning Area.

Mr. Karg made a motion to approve the request with staff recommendations including the sixth requirement of a variance from the feedlot setback. Seconded by Mr. Knutson. The motion carried unanimously. Mr. Telecky stated this item will be placed on the County Board consent agenda February 3, 2004, at 9:00 a.m.

6. OLD BUSINESS

7. COMMUNICATION FROM STAFF

Election of Officers will be held in March.

Mr. Telecky asked if the Joint Board would like to make changes to the feedlot ordinance in the Joint Planning Ordinance. Staff will review the feedlot requirements and make a recommendation to the Board.

8. ADJOURNMENT

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

MINUTES
HUTCHINSON AREA JOINT PLANNING BOARD
Wednesday, February 18, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Bill Arndt at 5:30 p.m. with the following members present: Jon Christensen, Larry Karg, Grant Knutson, Carl Runke and Chairman Arndt. Absent: LeRoy Schmandt Also present: Larry Gasow, McLeod County Zoning Administrator, Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney, Marc Telecky, McLeod County Assistant Zoning Administrator, Roger Berggren, McLeod County Environmentalist and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

a) Consideration of revised minutes dated January 21, 2004.

Mr. Knutson made a motion to approve the revised minutes of January 21, 2004. Seconded by Mr. Runke the motion carried unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF VARIANCE REQUESTED BY BARRY SCHAFFER TO VARY FROM THE STANDARD OF TWO ISTS SITES ON NEW LOTS CREATED AFTER 1996 LOCATED IN SECTION 33, HUTCHINSON TOWNSHIP (AMS SUBDIVISION)

Chairman Arndt opened the hearing at 5:40 p.m. with the reading of publication #7149 published in the Hutchinson Leader on Thursday, February 5, 2004.

Mr. Berggren commented on Chapter 7080 ISTS requirements for septic on lots. He explained the area on these lots has been disturbed and there is not room for two standard septic on these lots.

Barry Schaffer, property owner, explained there is ample space for another septic if needed. He commented on the well located on the property. The well presently can serve his lot and the landscaping lot to the east. He stated it will be cheaper for the property to the west to provide a separate well just for that property.

Mr. Telecky stated the septic issue was forwarded from the preliminary plat review. He explained the car dealership building has many conditions and a handicap accessibility inspection will be required for occupancy in that building.

Mr. Schaffer stated this variance request is for the ISTS not to include the new building.

Discussion followed on the new building and its occupancy without water. Mr. Telecky stated the building would have to meet building requirements however water use is not required to open the business.

Mr. Schaffer stated the car dealership building is a separate issue. Mr. Telecky stated the variance is addressed separately.

Mr. Berggren stated when there is water a septic is required.

Mr. Knutson moved to close the hearing. Seconded by Mr. Christensen. The hearing closed at 5:45 p.m. Mr. Christensen made a motion to approve the request with staff recommendations. Seconded by Mr. Runke. The motion carried unanimously. Mr. Gasow stated this item would be forwarded to the County Board of Adjustments and placed on their agenda February 26, 2004 at 9:00 a.m.

4. NEW BUSINESS

None

5. OLD BUSINESS

None

6. COMMUNICATION FROM STAFF

a) INTERPRETATION OF GENERAL FEEDLOT QUESTIONS

Ms. Wischnack explained the feedlot setback outline of code regulations. Atty. Seboria commented the staff report was well stated.

Mr. Knutson commented on the difference of opinion between the County Attorney and Atty. Seboria. He explained when reviewing Mr. Heikes' sketch plan the County Board eliminated conditions #4 and #6 and left conditions #1,2,3 and 5.

Atty. Seboria asked if the County Board action was not to require separation from feedlots. He suggested the Joint Planning Board feedlot issues be addressed in the future and consider amending the County Ordinance regarding feedlots in the Joint Planning Area.

Mr. Knutson stated we shouldn't change the County Ordinance. He explained the Joint Area is different.

Mr. Gasow suggested the add the verbage in the County ordinance "except in the Joint Planning Area".

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Mr. Knutson voiced concern with feedlot variances. Mr. Gasow stated there is always a potential of variance requests.

Ms. Wischnack asked if there is a way in the Joint Planning Ordinance to address the feedlot requirements. Atty. Seborá explained language should be in the County Ordinance as the most restrictive.

Mr. Berggren explained there is no setback requirement for commercial districts in the Feedlot Ordinance. Mr. Gasow stated the County Zoning does include setback requirements to keep commercial near cities.

Ms. Wischnack suggested the Joint Planning Board recommend to the County Board to amend the Zoning Ordinance to add the Joint Planning verbage.

Mr. Telecky stated the ordinance must change to the most restrictive.

Discussion followed on the determination of most restrictive.

Mr. Gasow explained the County Attorney's opinion is the Joint Ordinance is a stand alone ordinance. Atty. Seborá stated at minimum we need County approval.

Discussion followed on the best way to include every feedlot. Mr. Christensen stated in his opinion it is ok to change the ordinances.

There was discussion of the attorney's difference of opinion. There will be conversation between the two attorneys and Atty. Seborá will report next month.

7. ADJOURNMENT

There being no further business the meeting adjourned at 6:20 p.m.

MINUTES
HUTCHINSON AREA JOINT PLANNING BOARD
Wednesday, April 28, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Bill Arndt at 5:30 p.m. with the following members present: LeRoy Schmandt, Larry Karg, Grant Knutson, Carl Runke and Chairman Arndt. Absent: Jon Christensen and Also present: Larry Gasow, McLeod County Zoning Administrator, Julie Wischnack, AICP, Planning Director, Marc Telecky, McLeod County Assistant Zoning Administrator and Roger Berggren, McLeod County Environmentalist

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated March 17, 2004.

Mr. Karg made a motion to approve the minutes of March 17, 2004. Seconded by Mr. Runke. The motion carried unanimously.

3. ELECTION OF OFFICERS

Chairman Arndt asked Mr. Knutson to call for nominations for officers in the absence of Mr. Christensen. Mr. Knutson called for the nominations for the office of Chairman and nominated Mr. Arndt. There were no further nominations for Chairman. Mr. Knutson asked for a motion that nomination cease and to cast a unanimous ballot for Mr. Arndt as Chairman of the Joint Planning Board. Mr. Schmandt made a motion to elect Mr. Arndt as Chairman. Seconded by Mr. Karg the motion carried unanimously.

Chairman Arndt asked for nominations for Vice Chairman. Mr. Runke moved to nominate Mr. Christensen for Vice Chairman. Mr. Knutson moved that nominations cease and cast a unanimous ballot for Mr. Christensen. Seconded by Mr. Schmandt the motion carried unanimously.

4. PUBLIC HEARINGS

No Public Hearings

5. NEW BUSINESS

a) CONSIDERATION OF 7 LOT SKETCH PLAN SUBMITTED BY BRENT REINER LOCATED IN HASSAN VALLEY TOWNSHIP

Ms. Wischnack commented on the request and explained the ownership of the property. She stated Mr. Reiner would like feedback on the submittal of the sketch plan located on Hwy 22. The lot is 59 acres zoned

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agricultural. She explained the confusion regarding access. She commented on the recommendation from MnDOT as follows:

1. This section of TH 22 generates more than 3400 ADT, it warrants a right turn lane and bypass lane and shall be constructed at the developer's expense.
2. Access points shall be a shared entrance with the adjacent property.
3. Site plan should reflect some type of local road network and show a stub-out frontage road to the adjacent property to establish road connectivity since TH 22 has controlled access.
4. Developer needs to coordinate with Geri Vick for access permit application.

Discussion followed on the location of the property. Ms. Wischnack explained the address points and driveway locations and feedlot locations. She commented on the ordinance requirements and how they would affect the property. She stated there is confusion regarding quarter-quarter and quarter section. She explained number 4 of staff report and stated this area is a quarter-quarter. This should be clarified. Ms. Wischnack commented on the remainder of the staff report and criteria to develop residential lots in the rural areas. She stated item 3 is the item that gave the staff concerns with this development. Item 3 states, *"The applicant must demonstrate to the satisfaction of the Joint Planning Board and County Board that lots are clustered in wooded areas or non-productive soils in order to minimize visual and physical intrusions into agricultural land and to respond sensitively to the environmental features of each site."* The soils on the site are listed as prime farmland type soils. This should be considered in the Board's decision.

Ms. Wischnack commented on the staff recommendations as follows:

1. The City's long range comprehensive plan indicates this area as outside of a 20 year staged growth plan (meaning sewer and water accessibility are beyond that time frame).
2. The long range designation for this area, in the comprehensive plan is agricultural.
3. This area's soil types are indicated as prime farm land.
4. The area is not within the 1320' setback requirement from the feedlot to the south. However, this quarter contains 3 other dwellings. The sketch provides for 6 lots (one designated as a large outlot); which still could become an additional dwelling; thus requiring rezoning. Rezoning to R1 is required when the property plats more than 8 dwellings per quarter quarter and the feedlot setback increases to 2,640 feet. The enlarged setback would impact the proposal. The County ordinance also dictates a feedlot setback for commercial. Although, this is under consideration.
5. The front area would need to be rezoned to Industrial to accommodate a "contractor's yard" (Section 7, subdivision 3). Consideration must be provided to the long term impact of rezoning the highway frontage and the interest among adjacent owners to promote similar uses.
6. The residential properties would need to access off of a township road. Issues with maintenance and acceptance of the road would need to be addressed with Hassan Valley Township.

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7. Verification of the proper access point onto Highway 22 would need to be addressed.

Ms. Wischnack commented on the types of uses allowed in the commercial zones.

Mr. Runke stated the Hassan Valley Board discussed this development and the consensus is this is prime farmland. He stated there is much commercial property along Hwy 7 and this area can wait. This should remain farmland. Chairman Arndt asked if this is the feeling of the entire Hassan Valley Board. Mr. Runke stated they all agree.

Mr. Karg asked where this property is located. It is near Mr. Runke's property. Mr. Karg stated these types of developments must go somewhere. He explained in Acoma Township the roads must be blacktopped. He stated there seems to be existing sites that could be developed industrial and commercial along Hwy 7. Ms. Wischnack explained this is a difficult situation. Discussion followed on residential so near this type of industrial use. Discussion followed on the location of the gas pipeline and the uses near the line.

Mr. Knutson explained he has a different opinion on the Joint Planning Area. This is a highway business and he has no problem with the development. It is good long range planning. The business would be a buffer for the residential. Mr. Runke is concerned with losing ag land. Mr. Knutson stated the County must address the Joint Planning Area and the need to consider less priorities on prime ag land. Hutchinson is a growing city and we must prepare to be a growth community. Mr. Karg commented on the development of prime ag land and sooner or later it will be taken. He stated he can picture this as light industrial. Mr. Schmandt explained this seems to be spot development. Maybe in 20 years this property will be more industrial and he is not convinced this is the place for housing.

Brent Reiner, applicant, commented on the residential portion of the sketch which will be for upper end homes. He stated contractors are looking for lots for upper end homes. The lot sizes are large enough to develop these homes. He addressed the prime ag soils and the acreage of the property.

Ms. Wischnack stated the gas line ordinance is not specific on what can and cannot be done near the line.

Mr. Reiner stated the site will be used primarily for storage of the equipment. He commented on options for buffering between residential and industrial. There is no property in the area for this type of business. He explained the issues he has with remaining on Hwy 7. He stated the properties near Bremix are not for sale.

Ms. Wischnack explained the access on Hwy 22 is not necessarily addressed and will ask more questions from MNDOT. Mr. Reiner explained his discussion with Ms. Vick of MnDOT regarding access. Access development would be at Mr. Reiner's expense. Discussion followed on the total frontage. Mr. Reiner explained it is about 800 feet. The State bought the access rights when Hwy 22 was purchased. He stated they would build the township road to specifications.

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There are varying opinions on what is prime ag land. Drainage would be discussed in the preliminary platting.

Mr. Berggren stated there would be no drainage problems affecting county ditches. Mr. Gasow asked about the future use of the 20 acres. Mr. Reiner commented on covenants on the property.

Mr. Knutson stated he would like to see this development move on to platting stages. Mr. Runke commented on the annexation of the Stritesky property.

Mr. Knutson moved for approval of the sketch plan with staff recommendations. Seconded by Mr. Karg. Discussion followed on the proposal. Mr. Runke stated they do not want to lose ag land. Mr. Knutson stated this property is not large enough to become prime ag land because it is hard to farm. Mr. Arndt stated Mr. Reiner has a purchase agreement and if the board says to go ahead and the County Board says no this is a concern for the developer. Ms. Wischnack stated the long range plan is not for residential in the area. It should be kept long term ag and not developed. Mr. Runke stated two or three houses would not bother him.

Chairman Arndt called for action on the motion. There was a roll call vote. Runke nay, Knutson aye, Karg nay, Schmandt nay and Chairman Arndt aye. The motion was denied by a 3 to 2 vote. Mr. Gasow stated this will be forwarded to the County Board agenda at their May 18th, 2004 meeting at 10:00 a.m. The County Board makes the final decision .

6. OLD BUSINESS

7. COMMUNICATION FROM STAFF

Ms. Wischnack updated the Board on the noise problems from Phoenix Solutions, on Hwy 7 E, a testing company which is very noisy and creating problems which the neighbors. The company is working to alleviating the noise. Discussion followed on the type of business and the processes of the company. Mr. Telecky commented on the remedies the company is working on and PCA concerns.

Ms. Wischnack commented on the annexation of the Stritesky property.

Mr. Telecky commented on the Joint meeting with the County and concerns with development on prime ag land. He has concerns from a planning perspective of development which cannot be served by the city. Discussion followed on following a plan. Ms. Wischnack stated rezoning should be more methodical for the success of long range planning.

Mr. Telecky commented on the cover letter from Atty. Sebora and the commercial feedlot issues and possible amendments to the Joint Planning ordinance. He explained this will be addressed in a future meeting. Mr. Telecky will do a needs analysis regarding lots of record.

8. **ADJOURNMENT**

There being no further business the meeting adjourned.

MINUTES
HUTCHINSON AREA JOINT PLANNING BOARD
Wednesday, May 19, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Bill Arndt at 5:30 p.m. with the following members present: Larry Karg, Grant Knutson, Jim Lauer and Chairman Arndt. Absent: Carl Runke and Jon Christensen Also present: Larry Gasow, McLeod County Zoning Administrator, Julie Wischnack, AICP, Planning Director, Marc Telecky, McLeod County Assistant Zoning Administrator and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated April 28, 2004.

Mr. Knutson made a motion to approve the minutes of April 28, 2004. Seconded by Mr. Karg. The motion carried unanimously.

3. PUBLIC HEARINGS

No Public Hearings

4. NEW BUSINESS

a) CONSIDERATION OF SKETCH PLAN OF SIOUX HILLS NO. 4 LOCATED IN SECTION 35 ACOMA TOWNSHIP SUBMITTED BY SKIP QUADE

Mr. Telecky commented on the sketch and the location of the property. He commented on the staff concerns with the 956 soil type from the McLeod County Soil Survey. This type of soil is very wet and construction would be without basements in this area. He explained staff concern with drainage and grading. Future annexation to the City of Hutchinson could present a burden with the lot sizes if shadow platting were not required. Also a storm water management plan with a grading plan would also need to be submitted to answer the questions related to drainage and grading. The grading plan should determine a lowest opening and main floor elevation. This would assist with the storm water issue. The last issue has to do with the road structure. Staff believes that the short cul-de-sac on the east side of this sketch plan should be extended to the north boundary of the plat to accommodate future subdivision of the land to the north. He commented on staff recommendations as follows:

- 1) Storm water management plan must be submitted at preliminary plat stage.

- 2) Grading plan with lowest opening and main floor elevations must be submitted during preliminary plat stage.
- 3) Shadow platting must be incorporated at preliminary plat stage to accommodate future annexation.
- 4) Road plan must be revised to accommodate future subdivision.
- 5) A National Pollutant Discharge Elimination System (NPDES) Permit must be obtained prior to final plat.

Mr. Telecky explained this area is considerably lower and very wet as compared to the Sioux Hills plats 1,2 and 3.

Mr. Karg voiced his concern about how people build homes and would suggest adding a 6th recommendation that they must follow road construction specifications and the road must be blacktopped according to specifications. He explained Acoma Township will submit this ordinance to the Joint Planning Board for use in all subdivisions. He also commented on the construction vehicles entering the site from the west because of concerns with the destruction of the existing blacktop to the east.

Mr. Telecky presented pictures of the area after the last rainfall. He pointed out the wetlands to the South and the difficult drainage of the property. He stated there are no elevation checks in the county when building a home. The general contractor assumes liability for the error of elevation.

Mr. Knutson stated there are many man-made problems which have created other issues in the area.

Mr. Lauer is in support of shadow platted for future subdivision of the property. Discussion followed on the shadow platting concept. Mr. Knutson stated he believes it should be the property owner's choice.

Ms. Wischnack stated Woodview Acres was a first try at shadow platting and this plat would work out better. Mr. Knutson stated we are not here to protect future developers.

Discussion followed on road dedication and the cul-de-sac placement. Ms. Wischnack commented on the cul-de-sac and the possibility of the future road extending to the north as some point in time for development.

Discussion followed on the wetlands on the property.

Mr. Karg suggested dedication of property for a future road possibly for future N.E. development. Mr. Lauer stated shadow platting should include a road dedication. Mr. Karg stated he would rather have a circular route than a cul-de-sac.

A neighboring property owner asked if the old road will be tarred. Mr. Karg stated it must be constructed to specs and that included tarring.

Mr. Telecky stated covenants are recorded.

Mr. Karg made a motion to approve the sketch plan adding language to #4 to read "Road plan should be revised to accommodate future subdivisions to the north and northeast." Seconded by Mr. Knutson the motion carried unanimously. Mr. Gasow stated this will be placed on the June 8, 2004, County Commissioner's agenda.

Mr. Scott Schuette, neighboring property owner, commented on his culvert height and would like it lower to help with drainage of his property. Ms. Wischnack explained the engineer designing Mr. Quade's development could give him advise on the possibility of changing the culvert.

5. OLD BUSINESS

6. COMMUNICATION FROM STAFF

Ms. Wischnack stated the Stritesky annexation is waiting for Hassan Valley comment.

Ms. Wischnack commented on the annexation of the Hajieck property south of Applebee's.

Mr. Knutson stated the Reiner sketch was tabled until the June 8th meeting.

Chairman Arndt would like a thank you letter sent to Mr. Schmandt for his years of service to the Joint Planning board.

7. ADJOURNMENT

There being no further business the meeting adjourned at 6:25 p.m.

MINUTES
HUTCHINSON AREA JOINT PLANNING BOARD
Wednesday, June 16, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Bill Arndt at 5:30 p.m. with the following members present: Grant Knutson, Carl Runke, Jim Lauer and Chairman Arndt. Absent: Larry Karg and Jon Christensen Also present: Larry Gasow, McLeod County Zoning Administrator, Julie Wischnack, AICP, Planning Director, Marc Sebora, City Attorney, Marc Telecky, McLeod County Assistant Zoning Administrator, Roger Berggren, County Environmentalist and Bonnie Baumetz, Planning Coordinator

Atty. Marc Sebora gave the oath of office to board member Jim Lauer.

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated May 19, 2004.

Mr. Knutson made a motion to approve the minutes of May 19, 2004. Seconded by Mr. Lauer. The motion carried unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **REZONING** PROPERTY IN SECTION 9, HASSAN VALLEY TWP FROM AG TO I-1 (LIGHT INDUSTRIAL) SUBMITTED BY BRENT REINER

Chairman Arndt opened the hearing at 5:35 p.m. with the reading of publication #7210 published in the Hutchinson Leader on Thursday, June 3, 2004.

Mr. Gasow commented on the location of the property to be rezoned to I-1 (Light Industrial). He stated the parcel to be rezoned is the west 20 acres of a 59 acre parcel along Hwy 22. He explained the natural gas pipeline is not across the area to be rezoned. He commented on the staff concerns as follows:

1. The excess size of 20 acres being proposed for the rezoning;
2. The potential of future splitting and platting of additional development of the tract;
3. The number of other uses which are permitted or allowed by conditional use permit within a light industrial zoned area;
4. Agricultural, not light industrial being considered for long range planning within this area;

5. Proper screening to act as a buffer to surrounding residential properties and highway frontage due to the exterior storage of equipment and materials which will be part of a contractors yard;
6. Verification of access from St. Hwy. #22, the need of turn lanes on the highway to accommodate truck traffic and an area dedicated for a frontage road to accommodate potential future splits of the property;
7. Orderly growth should be encouraged rather than the leap frog affect and potential of spot zoning taking place even though there is undeveloped property across the highway which is designated in the long range plan to be accommodating for commercially zoned uses.
8. Although this is not a designated "Gateway District", the same standards should be considered and applied since uses within an industrial zone tend to become cluttered at times and seem to appear unsightly.

Mr. Gasow explained access requirements will be at the property owner's expense. He stated this would not be a spot zoning since it is a larger lot. Discussion followed on the "leap frogging" effect. Mr. Gasow stated all local, State and Federal permits must be adhered to (NPDS, Stormwater etc.) He read letters of objection from neighboring property owners Lyle Jager and Lucille and Kay Runke.

Brent Reiner addressed the size of the parcel to be rezoned and stated he is not opposed to changing the size to a smaller parcel to be rezoned. He explained he needs 12-15 acres for his operation. He stated there will be less equipment on sight in the summer months because the equipment is at the job. The equipment will be stored in the winter months. The building will be used for office and equipment storage. He commented at one time the area was proposed light industrial.

Mr. Reiner addressed the concerns of the neighborhood letters stating the entrance to his property would be off Hwy 22. The gravel road is not heavy enough for his equipment. This site should be quiet and clean since there will be no equipment running at this site only office space, shop and storage. The building will be 80' X 160' and there will be outside storage. He is willing to berm and plant to the specifications required. The building will be placed on the southerly portion of the parcel and Mr. Reiner is not opposed to rezoning the southern ½ portion of the 20 acres. He stated there is room to berm and plant and not affect the gas line. He is aware that building the turn lanes are at his expense.

Joe McPherson, 17955 Noble Rd, commented on his concerns with the aesthetics of the neighborhood if this is rezoned. He stated industrial development does not meet the needs of the homes in the area and would affect property values.

Grant Knutson stated future development could be an asset or a hinderance.

Bob Anderson, Hassan Valley property owner, stated he lives one mile from the property and is in favor of the request. He explained 4 to 5 years ago this property was designated for Industrial Commercial use.

Ms. Wischnack explained that in 1999 the property was designated I/C however the City updated their comprehensive plan and redesignated it to long term agricultural thru 2020. The City is not able to provide services until then.

Mr. Anderson stated he is in favor of that development in the area and does understand the neighbors concerns. He has industrial, owned by the City, across from his property. He commented on the Gateway Ordinance and would encourage the Board to approve the request.

Adam Wendtland, neighbor to the north, explained his concerns with the proposal. He is concerned with more truck traffic in the area.

Mr. Lauer moved to close the hearing. Seconded by Mr. Knutson the hearing closed at 6:25 p.m. Mr. Runke made a motion to deny the request. The motion failed for lack of a second. Mr. Lauer commented on future potential of development on the entire 20 acre parcel and asked what is spot zoning. Atty. Sebora stated there is no magic number but usually less than 5 acres would be spot zoning. Mr. Lauer commented on how the development would affect the growth of the City. Mr. Gasow stated it is easier to control in a smaller tract. Discussion followed on rezoning a smaller tract 5 – 10 acres in the SW corner of the lot. Ms. Wischnack stated staff has differing opinions on the use of this property. Rezoning to I-1 is setting the stage to do more of this type of development.

Mr. Knutson moved to approve the request. Seconded by Mr. Arndt. Discussion followed on limiting the size. Mr. Lauer stated not to deny but control the size of the rezoning. Mr. Knutson stated they should leave the 20 acres and buffer the residential. Mr. Reiner explained the north hill will be stripped and used for farmland. Mr. Knutson suggested creating a buffer zone to the north and east and mow the remaining property. Mr. Reiner stated the goal is to be neat and organized. Discussion followed on the range of allowed uses in the I-1 zone and the long range control of the property. Ms. Wischnack stated they should be specific on the area to be rezoned. Mr. Reiner stated he is not opposed to making the parcel smaller and is proposing to build on the southern portion of the property. Mr. Knutson moved to recind his first motion. Seconded by Mr. Arndt the motion carried. Mr. Knutson moved to recommend approval of rezoning the southern ½ of the property (10 acres). Seconded by Mr. Lauer. Ms. Wischnack explained a legal description of the property to be rezoned is needed. The land use permit will carry the planting and screening requirement. The motion carried with Mr. Runke voting nay. Mr. Gasow stated this item would be forwarded to the County Board and placed on their agenda July 6, 2004 at 10:00 a.m. in the Glencoe Courthouse.

b) CONSIDERATION OF AMENDMENT TO THE ZONING ORDINANCE
ADDING FEEDLOT LANGUAGE

Chairman Arndt opened the hearing at 6:30 p.m. with the reading of publication #7211 published in the Hutchinson Leader on Thursday, June 3, 2004.

Mr. Telecky commented on the language changes for the various zoning district pointing out in the R1 district the ½ mile setback is from the lot line to the house. This is different than the County feedlot ordinance. Discussion followed on the changes. The Ag district would change to ¼ mile. Mr. Telecky explained the difference between R1 and Ag. Roger Berggren explained this would be more restrictive than the County. In the County, the measurement of feedlots is to the dwelling. Mr. Telecky stated in the Joint Planning Area it would be to the residential lot line.

Discussion followed on the lot of record before 1998 verbage to be put in the ordinance in the Ag district portion of the ordinance.

Mr. Telecky stated the new language would clarify feedlot setbacks in the Joint Planning Area.

Mr. Knutson moved to close the hearing. Seconded by Mr. Runke. The hearing closed at 6:58 p.m. Mr. Lauer made a motion to approve the request with changes to Section 4, Agricultural Section to state "All non-farm dwellings shall be located not closer than 1320 feet from registered feed lot" and to include the lot of record verbage to Ag district. Seconded by Mr. Runke. The motion carried unanimously. Mr. Telecky stated this item would be forwarded to the County Board and placed on their regular agenda July 6, 2004 at 10:00 a.m.

4. **NEW BUSINESS**

None

5. **OLD BUSINESS**

None

6. **COMMUNICATION FROM STAFF**

Ms. Baumetz updated the board on the upcoming annexation in Hassan Valley Twp. which is the Hajieck property. She also updated the board on the process for the Stitesky annexation with Hassan Valley objections.

7. **ADJOURNMENT**

There being no further business the meeting adjourned at 7:00 p.m.

MINUTES
HUTCHINSON AREA JOINT PLANNING BOARD
Wednesday, August 18, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Bill Arndt at 5:30 p.m. with the following members present:, Larry Karg, Grant Knutson, Carl Runke and Chairman Arndt. Absent: Jon Christensen and Jim Lauer Also present: Larry Gasow, McLeod County Zoning Administrator, Julie Wischnack, AICP, Planning Director, Marc Telecky, McLeod County Assistant Zoning Administrator, Roger Berggren, McLeod County Environmentalist and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated June 16, 2004.

Mr. Knutson made a motion to approve the minutes of June 16, 2004. Seconded by Mr. Runke. The motion carried unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **REZONING** OF PROPERTY LOCATED IN SECTION 34, ACOMA TOWNSHIP FROM AGRICULTURAL TO I-1 REQUESTED BY RON HANSEN AND CRAIG REINER

Chairman Arndt opened the hearing at 5:33 p.m. with the reading of publication #7245 published in the Hutchinson Leader on Thursday, August 5, 2004.

Ms. Wischnack explained the request for rezoning of the two properties. She stated the Reiner property is contiguous to industrial zoning. The Hanson property will be divided by the new by-pass road. The property on the east side of the road could become industrial. Staff would recommend the property on the west side of the road remain agricultural. Soil types should be reviewed for rezoning from agricultural.

Mr. Knutson asked to hear from the affected property owner.

Mr. Ron Hansen, property owner, asked the reason for not approving the rezoning on the west side of the proposed road. Ms. Wischnack stated the road defines the industrial edge of the property. This is a good stopping point. Mr. Hansen stated he would like to see the entire property rezoned to industrial.

Tom Schlueter, 21828-210th St., questioned the purpose of rezoning without a plan.

Discussion followed on the fact the property is contiguous to industrial zoning.

Mr. Gasow explained rezoning should be contiguous to like zoning and residential is not a good fit in this area.

Ms. Wischnack asked Mr. Schlueter if he was concerned with changing agricultural to industrial. Mr. Schlueter stated he would be concerned with rezoning to residential. Ms. Wischnack stated there would be another public hearing if the property were to be rezoned again. Mr. Schlueter stated he opposes the rezoning.

Beatrice Forstrom, 21862-190th St, stated she is opposed to industrial development of the property.

Mr. Karg explained the by-pass road will run across Ms. Forstrom's property close to the buildings. He has concerns with the other homes surrounded by industrial. He stated it is difficult to make a decision without knowing the plan for the property. We must think of the residences.

Discussion followed on the area being homes and agricultural.

Mr. Hansen stated he did not have a choice of the road going through his property. He stated he has no intention of developing residential in this area. He explained industrial blends with the area to the east.

Mr. Knutson moved to close the hearing. Seconded by Mr. Runke. The hearing closed at 5:55 p.m. Mr. Knutson made a motion to approve the request with staff recommendations. Seconded by Mr. Runke the motion carried with Mr. Karg voting nay. Mr. Gasow stated this item would be forwarded to the County Board and placed on their regular agenda August 31, 2004 at 7:00 p.m. at the Hutchinson City Center.

b) **CONSIDERATION OF 4 LOT **PRELIMINARY PLAT** TO BE KNOWN AS 7 EAST TRAILVIEW SUBMITTED BY JIM HEIKES LOCATED IN SECTION 3, HASSAN VALLEY TOWNSHIP**

Chairman Arndt opened the hearing at 5:58 p.m. with the reading of publication #7247 published in the Hutchinson Leader on Thursday, August 5, 2004.

Mr. Telecky explained the request and commented on the proposal and the sketch plan discussions. He commented on the trail and MNDOT plans to purchase a portion of the stormwater pond. He stated if a portion is purchase for trail there will not be appropriate stormwater management for the site. He commented on the staff recommendations as follows:

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1. Storm water management plan must be submitted to handle surface run-off. Ponds should be constructed to the north of the proposed lots.
2. Proposed road plan must be approved by Hassan Valley town board.
3. Shadow lines must be drawn on preliminary plat to reflect future subdivision.
4. Mr. Heikes must work with DNR and MNDOT on proposed trail crossing and turn lanes per MNDOT requirements.
5. NPDES permit must be obtained from MPCA for Storm Water Management.

Mr. Telecky stated staff has issues with item number 1 as to the location of the pond. He explained item number 4 is in the process of negotiation. He stated staff would recommend approval with issues to be resolved.

Marty Campion, Otto and Associates, explained they have met with Kristy Rice, DNR Trails and Dave Johnston, MNDOT. He stated they can accommodate the trail location in the pond area shown. He explained the stormwater pond will be reconfigured to accommodate the trail. The lots will stay the same. Ms. Kristy Rice, DNR, stated they can work together to resolve the issues. Mr. Campion stated the pond is just under ½ acre and the normal water elevation is 6.5 feet deep. Discussion followed on the culvert height and the pond.

Mr. Campion stated there is conflicting interest with the driveway grades.

Mr. Johnston, Regional Engineer MNDOT, explained the by-pass lane would begin on the east side of the culvert and a turn lane would be a change in structure and would require more construction and bituminous surface.

Discussion followed on the length of the cul-de-sac and the possibility of moving it to the south. Mr. Campion stated moving the cul-de-sac farther south may not help the trail or pond.

Mr. Heikes stated he is on a 30 day schedule with MNDOT.

Mr. Telecky suggested to table the request until a revised plan is presented. Mr. Heikes will sign a 60 day waiver.

Mr. Runke moved to close the hearing. Seconded by Mr. Knutson. The hearing closed at 6:20 p.m. Mr. Knutson made a motion to table the request to the September 15, 2003 meeting to review the revised plan. Seconded by Mr. Karg. The motion carried unanimously.

- c) CONSIDERATION OF **VARIANCE** TO REDUCE SETBACK FROM RESIDENTIAL DISTRICT REQUESTED BY RICHARD HAUSLADEN,

B&B SPORTS, LOCATED AT 20271 HWY 15 N, HUTCHINSON TOWNSHIP

Chairman Arndt opened the hearing at 6:24 p.m. with the reading of publication #7246 as published in the Hutchinson Leader on Thursday, August 5, 2004.

Mr. Telecky commented on the request and explained the survey. He stated the addition would be 56.5 feet from the residential boundary and the requirement is 50 feet. He explained Mr. Hausladen is not asking to add on closer than the present non-conforming building. He commented on the following staff recommendations and questions to be asked before granting a variance:

- 1) Is the request reasonable?
- 2) Has the hardship been created by the landowner?
- 3) Would the request alter the essential character of the area?
- 4) Is the request consistent with the Joint Planning Ordinance and McLeod County Comprehensive Plan?

Staff recommends approval of the variance. There are criteria that would have to be met at the time of the land use permit.

Mr. Knutson moved to close the hearing. Seconded by Mr. Runke. The hearing closed at 6:26 p.m. Mr. Karg made a motion to approve the request with staff recommendations. Seconded by Mr. Runke. The motion carried unanimously. Mr. Gasow stated this item would be forwarded to the County Board of Adjustments and placed on their agenda August 26, 2004 at 9:30 a.m.

- d) CONSIDERATION OF **VARIANCE** TO REDUCE SHORELAND SETBACK AND **CONDITIONAL USE PERMIT** TO OPERATE A USED CAR DEALERSHIP IN THE FRINGE COMMERCIAL ZONING DISTRICT LOCATED IN SECTION 35, ACOMA TOWNSHIP, REQUESTED BY DALE HARBARTH

Chairman Arndt opened the hearing at 6:28 p.m. with the reading of publication #7248 published in the Hutchinson Leader on Thursday, August 5, 2004.

Ms. Wischnack commented on the multiple requests and explained a variance is necessary for the shoreland setback and the parking area would also require a variance. She explained there is no impact to the wetland area and stated the plan does not show containment of runoff. She commented on the following staff recommendations and criteria to grant variances and conditional use permits:

Staff recommends denial of the conditional use permit and variances based on the following factors:

The site has severe limitations with respect to setback and impacts to the natural environment. Additional pavement and improvements to the property would negatively impact the wetlands, flood plain and protected water body. While the original conditional use permit was for a limited amount of used car sales, the proposed use would have almost 38,000 square feet of paved area for display, which if 180 square were necessary for each car, the area could accommodate nearly 200 cars. Staff believes this to be a very intense use, for a very limiting site.

The Board has to ask themselves these questions before granting any variance:

- 1) Is the request reasonable?
- 2) Has the hardship been created by the landowner?
- 3) Would the request alter the essential character of the area?
- 4) Is the request consistent with the Joint Planning Ordinance and McLeod County Comprehensive Plan?

No conditional use shall be recommended by the Joint Planning Board unless said Board shall find:

1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Mr. Knutson asked if the board could limit the number of cars as in the past with similar requests. Ms. Wischnack stated when you allow this large amount of paved area it is difficult to regulate and enforce.

Discussion followed on pond placement outside of the flood plain.

Mr. Harbarth, property owner, commented on his research regarding the feasibility of the project and thought this would work. He stated he wouldn't have to blacktop but that isn't good for a car dealership. The present building is now 140 feet from the OHW and the addition is proposed to be 65 feet from the OHW. He stated he thought he had done his homework. Traffic should not be a problem in that area. He stated Mr. Powell is renting office space for a car dealership which was an approved Conditional Use Permit. He explained the acreage would not allow as many cars piled together as calculated by staff.

Mr. Telecky stated Mr. Powell's Conditional Use Permit was acted on 3 years ago and limited the dealership to 5 cars and no more blacktopping. Discussion followed regarding the similarity of the previous business. Ms. Wischnack stated this plan is much larger pavement area and building addition than the previous plan. Mr. Karg asked if they could set limitations tonight. Ms. Wischnack asked the board to take the DNR recommendations into consideration before approving. Example would be filling. She stated there must be an engineered plan for filling, stormwater management plan and limit the number of cars also a review from MNDOT and DNR must be provided.

Ms. Wischnack stated 38,000 sq. ft. of area is to be paved surface at 180 sq. ft. per vehicle a total of 211 vehicles could possibly be placed on the lot. She explained runoff from vehicles is a risk and concern.

Mr. Knutson stated he looked at the site and feels there is less foreign material runoff with the blacktop as opposed to gravel. He commented maybe there should be a stormwater pond.

Ms. Wischnack stated the pond would not change the staff recommendation. This is an intense use.

Mr. Telecky stated the board should act on the use first then the variance which needs a hardship. He stated the request may need to be reduced.

Mr. Karg stated the property has been run down since the landscape business was there and Mr. Harbarth will keep it up. He explained he would like to see the request come back with a lesser plan. He commented he would like to see the use and variance tabled and bring back in September. Mr. Harbarth will sign the 60 day waiver.

Mr. Knutson moved to close the hearing. Seconded by Mr. Karg. The hearing closed at 6:40 p.m. Mr. Karg made a motion to table the requests and bring back on September 15th with a revised site plan with less pavement and storm water management plan which must be to staff by September 7, 2004. Seconded by Mr. Knutson. The motion carried unanimously.

- e) CONSIDERATION OF 8 LOT **PRELIMINARY PLAT** TO BE KNOWN AS SIOUX HILLS NO. 4 SUBMITTED BY CRAIG REINER LOCATED IN SECTION 35, ACOMA TOWNSHIP

Chairman Arndt opened the hearing at 6:55 p.m. with the reading of publication #7249 published in the Hutchinson Leader on Thursday, August 5, 2004.

Mr. Gasow commented on the request for 11 lots. He stated the sketch plan was approved by the County Board. He cited Kent Exner, City Engineer Assistance and DNR Hydrologist concerns. He commented on the location of the dam created by Mr. Quade and the DNR recommendation of elevations. Mr. Gasow commented on the elevations in the area and the existing lots saturation. He explained all septic systems are issues for the environmental department. He stated the issues with Sioux Hills No. 3 should be addressed separately however there are drainage concerns on this plat as well. He explained there are several tiles in the area and that Block 1 Lot 6 issues have been addressed by Mr. Reiner. Shadow platting has been completed and he commented on the cul-de-sac as a through road. He explained McLeod County Subdivision Ordinance regarding roads. The developer is proposing to combine Lot 1 and Lot 2, Block 2. Mr. Gasow reminded the developer a road plan is to be submitted to Acoma Twp. He commented on the following staff recommendations:

Staff would request the following conditions be met prior to recommending approval:

- 1) Storm water management plan must be submitted prior to preliminary plat approval and Final Plat application.
- 2) The engineering drawings must respond to the engineering comments made by the City.
- 3) The grading plan shall indicate the level of the downstream dam to be used as a reference point and elevation to determine the buildable elevations within this plat.
- 4) Construction traffic must enter off of Ulm Avenue and dust control methods must be in place and monitored during the entire development process.
- 5) Shadow platting should be incorporated into the covenants to ensure that future land owners are aware of proper dwelling locations to accommodate proper lot splits for future municipal annexation.
- 6) The plat must be revised so that the cul-de-sac can extend to the north plat boundary line by future road dedication and easement to accommodate future residential subdivisions.
- 7) A National Pollutant Discharge Elimination System (NPDES) Permit must be obtained prior to final plat.
- 8) ISTS evaluation shall be conducted on each lot.
- 9) That the plat be revised to indicate that Lot 1, Blk 2 is deemed to be unbuildable, or have Lots 1 & 2 be combined into one lot.

- 10) Lot 6, Blk 1 have a buildable site indicated based on the elevation of the lot and wetland boundary.
- 11) Construction of 196th Road is constructed in accordance to Acoma Township road standards.

Mr. Gasow stated the plat must be rezoned to residential before the final plat is approved.

Mr. Craig Reiner, applicant and property owner, stated Bradford's own one lot. He explained he has a purchase agreement on the remainder of the property with Mr. Quade. He explained he will be grading the area. He stated he agrees with the staff recommendations but would like to keep the cul-de-sac. There are wetlands to the north so there is no need to access to the north. Mr. Reiner stated he is aware of the drain tile issues and has found the tiles and will close the tiles and create a new drainage area to the wetlands.

Discussion followed on the elevations of the dam area and who will control the elevations. There has been the possibility of Mr. Quade selling the dam to the DNR fish and wildlife.

Mr. Reiner stated the property will drain north to the wetlands. Discussion followed on the prebuilding of pads. Mr. Reiner stated the pad elevations will be shown on the grading plan.

Discussion again followed on the elevation of the dam. Mr. Telecky stated a permit will be issued by the DNR regarding the fixed set elevation so the purchaser will know what is being purchased. There will be a resolution from the DNR and applicant to fix the elevation.

Mr. Reiner stated he will be placing the lot elevation higher. The ditch will be for overflow. Mr. Telecky stated the DNR did not set the elevations.

Michelle Leyde, 20678-196th Rd, questioned the drainage and the elevations of the dam.

Brian Fort, 20700-196th Rd., stated he does not support the plat until the tile work is complete. He presented information and pictures of the ditch and water pools. He stated the drain tile was not disclosed at the time of purchase and was directed to be moved and never done. He stated this must be corrected before a new development is approved. He stated mistakes have been made and there must be a solution before approving the development. He asked who owns the land. The trust level is not there. He is concerned Mr. Quade owns the land and will it be sold to Mr. Reiner.

Steve Eystad, 20697-196th Rd., stated the entire area of Lot 3 Block 1 is wetland. He questioned the purpose of connecting 196th Road. Ms. Wischnack explained there must be two accesses into a development. Mr. Eystad asked if it had to be connected. Chairman Arndt stated there

must be access for emergency vehicles. Mr. Eystad stated the property owners paid for the road and will the other property owners have to pay to fix it. Mr. Karg explained the present road will be the responsibility of the property owners. The connection will be to a high standard and the blacktop will be paid for by the property owners. Discussion followed on the specifications of the blacktop road.

Mr. Eystad asked if there will be covenants in the new development. Mr. Reiner stated they may be tightened. There will be no business allowed in the development. Covenants are a private agreement. Mr. Eystad asked to consider the drainage.

Randy Carter, 20714-196th Rd., stated the road ends at his property. He asked who will pay for the rest of the street.

Tom Lyede has concerns with drainage and the fill brought in to build on.

Tom Schlueter, 21828-210th St., stated there has been misinformation given. He explained there must be a way to check for tile lines.

Mr. Berggren stated the MN Dept. of Health does allow tile lines close to the foundations. Wells must be 50 feet from the septic.

Scott Schutte, 20702-196th Rd., voiced his concern with the drain tiles. He stated they have been fixed and are running correctly diverting water from his property. He stated a swale in Lots 6 and 7 will also affect Sioux Hill No. 3 and continue to divert that water to wetland area.

Ms. Lyede agrees with neighbors regarding the increased traffic using the unfinished road. She has concerns with the construction traffic on the road.

County Commissioner Bev Wangerin commented on the past requirement set by the County Board to correct the drainage before additional building permits were issued. There must be something worked out.

Austin Schmidt, 19403 Ulm Ave, is concerned with increase traffic. He stated Ulm Ave. is not well maintained.

Gayle Koebnick, 20455-196th Rd, is concerned with increased traffic and the safety of the children in the area.

Judy Thul, 20656-196th Rd, commented on the previous and future developments and the drainage problems in the past.

Marty Campion, Otto and Associates, commented on the drain tile information needed and explained the present engineering of the property. He stated the drain tile on the east side of the property Mr. Reiner has indicated he will provide drainage to the north. He explained the elevation of the dam is a new issue to him. A fixed elevation will

protect down stream home owners and future owners. He stated it is easier to deal with the drain tile with the information from the meeting tonight.

Discussion followed of the proposal by Mr. Reiner to fix the drainage. There was further discussion of the drain tile and drainage problems.

Mr. Gasow commented on the past resolution referred to by Commissioner Wangerin.

Mr. Campion explained the surface water is easier to address than the drain tiles.

Don Abbott, 19682 Sioux Hills Rd, commented on the 36 year drain tile problems. He explained the tile placement in the area and the history of the dam.

Mr. Karg explained the use of drainage tile and perimeter tile. He asked if we could use drainage issues with Mr. Quade's development against Mr. Reiner's development.

Ms. Wangerin stated her opinion was this should be addressed with Mr. Quade's development problems.

Mr. Knutson stated there is a connection between the two developments however this is the preliminary plat not the final. The plat can be stopped at the final plat stage.

Ms. Wischnack stated from a legal perspective the plat must be considered on its own merits. The two issues must be separated.

Mr. Reiner stated he will purchase and close on the property September 15th. He explained the property will be his by the time of the final plat. He will close before the final plat is filed with the County.

Ms. Wischnack stated all owners must sign the plat to meet the legal requirements.

Mr. Reiner stated the development should help the Schutte drainage. It can be worked out.

Mr. Knutson moved to close the hearing. Seconded by Mr. Karg. The hearing closed at 8:35 p.m. Mr. Knutson made a motion to approve the request with staff recommendations and to include a berm or ditch for drainage on the northerly edge of Mr. Schutte's property and to remove the tile on each end. Seconded by Mr. Karg the motion carried unanimously. Mr. Gasow stated this item would be forwarded to the County Board and placed on their agenda August 31, 2004 at 7:00 p.m. to be held in the Hutchinson City Council Chambers.

4. NEW BUSINESS

None

5. **OLD BUSINESS**

None

6. **COMMUNICATION FROM STAFF**

Chairman Arndt asked for a letter to Hutchinson Twp. requesting direction on their representative to the Joint Planning Board.

7. **ADJOURNMENT**

There being no further business the meeting adjourned at 8:40 p.m.

MINUTES
HUTCHINSON AREA JOINT PLANNING BOARD
Wednesday, September 15, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Bill Arndt at 5:30 p.m. with the following members present: Tom Wirt, Larry Karg, Grant Knutson, Carl Runke, Jim Lauer and Chairman Arndt. Absent: Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney, Marc Telecky, McLeod County Assistant Zoning Administrator and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated August 18, 2004.

Mr. Lauer made a motion to approve the minutes of August 18, 2004. Seconded by Mr. Runke the motion carried unanimously.

Atty. Sebor administered the Oath of Office to new Board member Tom Wirt.

3. PUBLIC HEARINGS

a) RECONSIDERATION OF 4 LOT **PRELIMINARY PLAT** TO BE KNOWN AS 7 EAST TRAILVIEW SUBMITTED BY JIM HEIKES LOCATED IN SECTION 3, HASSAN VALLEY TOWNSHIP

Chairman Arndt reopened the hearing at 5:35 p.m. with the reading of publication #7247 published in the Hutchinson Leader on Thursday, August 5, 2003.

Mr. Telecky commented on the revised proposal and explained the issues of the grading plan. He stated the pond revision has been completed. He commented on the following staff recommendations:

1. Proposed road plan must be approved by Hassan Valley town board.
2. Shadow lines must be drawn on preliminary plat to reflect future subdivision.
3. NPDES permit must be obtained from MPCA for Storm Water Management.
4. MNDOT approved Right of Way Permit for construction of by pass lane and right hand turn lane must be obtained prior to final plat approval.
5. Tile line shall be re-routed prior to final plat approval.

Mr. Telecky stated Mr. Heikes must attend the Hassan Valley Townboard meeting regarding the road. Mr. Knutson explained the road must be built to township specifications.

Mr. Telecky explained Mr. Heikes must obtain a construction permit from MNDOT. He stated the tile line is rerouted on the revised plat. Mr. Heikes commented on the moving of the tile line which was only recently constructed.

Mr. Knutson moved to close the hearing. Seconded by Mr. Lauer. The hearing closed at 6:45 p.m. Mr. Runke made a motion to approve the request with staff recommendations. Seconded by Mr. Wirt the motion carried unanimously. Mr. Telecky stated this item would be forwarded to the County Board and placed on their consent agenda, October 5, 2004 at 9:00 a.m.

- b) RECONSIDERATION OF **VARIANCE** TO REDUCE SHORELAND SETBACK AND **CONDITIONAL USE PERMIT** TO OPERATE A USED CAR DEALERSHIP IN THE FRINGE COMMERCIAL ZONING DISTRICT LOCATED IN SECTION 35, ACOMA TOWNSHIP, REQUESTED BY DALE HARBARTH

Chairman Arndt opened the hearing at 5:47 p.m. with the reading of publication #7248 published in the Hutchinson Leader on Thursday, August 5, 2003.

Ms. Wischnack explained the proposal made last month and noted the pavement request has been revised to meet setback and does not need a variance. She stated the stormwater management plan by an engineer has not been received by staff. She explained staff recommended denial until the stormwater management plan by an engineer has been provided.

Mr. Karg explained he reviewed the property and is pleased with what Mr. Harbarth is proposing. He stated the Acoma township chairman and himself are not against the proposal. He commented the increased traffic from the business will not be negligible and the property will be improved.

Discussion followed on the stormwater management practice.

Mr. Harbarth, property owner, explained he purchased 25 + acres and expected that to be a large enough parcel for his business. Now it is being restricted to the area that is allowed to be used. He explained he did review the stormwater plan with two engineers but has nothing in writing regarding the stormwater management. He stated the new proposal for pavement is 10,650 sq. ft. less than the first proposal. He reduced the setback 65 feet to the east to accommodate the requirements. Mr. Harbarth explained the elevations would be raised with rock fill to filter the runoff. He stated there is also grass that will filter the runoff. He did calculate the number of cars that will be parked on the site.

He also explained he will move 2 storage sheds from the old site to the new site and a truck body shed.

Mr. Lauer commented on the work Mr. Harbarth must complete to meet the requirements of the Conditional Use Permit. He explained the stormwater management plan must be provided.

Mr. Harbarth explained the process he went through to find an engineering firm to look at the project. He did contact a firm from Willmar and had a verbal opinion. He stated he must be out of his present location in December.

Ms. Wischnack commented on the motion last month explaining the parking has been met but there must be a stormwater management plan submitted. She provided options for the board as follows: table to next month, approve or deny. She commented on the 60 day waiver signed by Mr. Harbarth. The waiver gives 120 days to act on the request.

Discussion followed on the present berm on the property.

Craig Reiner, previous owner of the property, commented on the property and drainage and stated there is a substantial amount of run off from the gravel. He explained paving will help. The lawn buffer strip and trees will also help with the run off. Stopping the water flow down the driveway would improve the situation.

Mr. Harbarth commented on the grass area which will filter the run off. The berm will force water into the road ditch.

Mr. Telecky objected to the size of the paving not the use of the property. He stated a stormwater management plan is not uncommon.

Ms. Wischnack stated the only action is for the Conditional Use Permit to alter the flood plain and the use. Discussion followed on the flood plain.

Mr. Lauer moved to close the hearing. Seconded by Mr. Runke, the hearing closed at 6:10 p.m. Mr. Lauer made a motion to table the request until the requirement of last month is met to provide a stormwater management assessment report. Seconded by Mr. Karg. Ms. Wischnack stated the information must be provided to staff by October 4th in order to place on the October 20th agenda. Discussion followed on the plan requested. Chairman Arndt stated another option would be to set a special meeting. A 3 day notice must be posted for a special meeting. Information must be provided to staff by September 22nd to have a special meeting on September 27th. Chairman Arndt called for the vote. The motion carried unanimously.

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- c) CONSIDERATION OF **CONDITIONAL USE PERMIT** TO CONSTRUCT A 24'X24' GARAGE IN THE FRONT YARD LOCATED AT 19044 JUDSON CT. IN ACOMA TOWNSHIP REQUESTED BY JOHN KORNGIEBEL

Chairman Arndt opened the hearing at 6:20 p.m. with the reading of publication #7253 published in the Hutchinson Leader on Thursday, September 2, 2004.

Mr. Telecky commented on the request to place a detached garage in the front yard. He reported staff has no concerns and would recommend approval. He read a letter of no objection by the neighboring property owners.

Mr. Korngiebel explained the reasons for the placement of the garage and stated this is a heavily wooded area and 144 feet from the road.

Mr. Karg stated Acoma Twp. has no objections.

Mr. Knutson moved to close the hearing. Seconded by Mr. Lauer. The hearing closed at 6:25 p.m. Mr. Karg made a motion to approve the request. Seconded by Mr. Runke the motion carried unanimously. Mr. Telecky stated this item would be forwarded to the County Board and placed on their consent agenda October 5, 2004 at 9:00 a.m.

- d) CONSIDERATION OF **REZONING** FROM AGRICULTURAL TO RURAL RESIDENTIAL PROPERTY TO BE KNOWN AS SIOUX HILLS NO. 4 SUBMITTED BY CRAIG REINER LOCATED IN ACOMA TOWNSHIP

Chairman Arndt opened the hearing at 6:26 p.m. with the reading of publication #7252 published in the Hutchinson Leader on Thursday, September 2, 2004.

Ms. Wischnack explained the process for the rezoning and reminded the board the preliminary plat was approved last month by the County Commissioners. She stated many conditions were placed on the preliminary plat and a revised preliminary plat was required. The revised preliminary plat does not need to be acted on. Staff will review. She explained the final plat is on the agenda for this month. She commented on the issues with drainage and the dam structure down stream. Mr. Telecky contacted the DNR Hydrologist and commented on the letter of September 13, 1999. He stated the permit card of the structure elevation was not recorded or placed on the deed and concerns of the staff are the elevation of the top of the dam. He stated staff is not opposed to the final plat. They are concerned with the elevation of the dam structure. He

stated before the County Board gets the final plat the elevations of the dam must be set and recorded on the deed. Ms. Wischnack stated this is a major issue. She explained the City Engineer reviewed and approved his requirements of August 6, 2004. The one issue is the verification of the control structure. What is the permanent elevation and how does it affect the neighboring properties?

Mr. Lauer commented on staff approval of the rezoning and the final plat with the stipulation of the dam structure elevation determination.

Discussion followed on prior grading. Ms. Wischnack stated the grading must be signed off by the City Engineer and the Engineering firm before grading takes place. Discussion followed on the review by the City Engineer as opposed to the County Engineer. Ms. Wischnack explained the City is used to reviewing developments which may become City in the future. There is no objection by the County Engineer.

Mr. Telecky stated the land owner must file the elevation determination of the dam and the document with as-builts must go to the DNR. It was discussed that a meeting should be set up after decision on the final plat so everyone is on the same page so to speak. Ms. Wischnack explained there is a difference at what the dam structure is set at and what it will hold back.

Craig Reiner stated Rob Collett, area hydrologist, gave him elevations on a business card. He explained the U.S. Fish and Wildlife have verification of the elevations. Mr. Telecky stated the set elevation of the dam structure must be recorded. The concern of staff is with boards being added to the structure previously. Discussion followed on the construction of the dam structure and the easement provided to Fish and Wildlife. Mr. Reiner explained the construction of the dam and the placement of the boards. He stated the top is set at 1048.84 and the spillway is 1050.2. He explained the dam was permitted in 1999.

Virgil Goetz, property owner to the north, stated there has been trouble with the dam for years. The DNR regulated it and there was no agreement to lift the boards.

Don Abbott, neighboring property owner for 37 years, explained the first dam was put in by DNR and Mr. Quade built the second dam.

Mr. Telecky explained the engineer would have to have an elevation of the dam to create a grading and stormwater management plan. Future property owners must know the elevation of the dam and staff needs the information to issue permits. He explained if Fish and Wildlife obtained an easement at a certain elevation it may not be feasible to change. This was a restoration project. He explained they wait for the land owner to set the elevation and the DNR is asking the land owner to provide as-built information.

Mr. Wirt explained, at one time, the Fish and Wildlife paid for dykes and obtained an easement. It is not surveyed until the easement is to be granted.

Ms. Wischnack stated she is familiar with the process Mr. Wirt explained. She commented she is not sure an easement was aquired and if it doesn't show up on the title opinion for the entire area it must not have been recorded.

Mr. Knutson stated the dam is not for discussion tonight. There are two separate issues. He explained, in drainage law, you can dyke water on your own property and cannot impact other owners.

Mr. Telecky stated the property owner must verify the elevation of the dam structure before the County Board acts on the final plat which could hold up grading by Mr. Reiner.

Atty. Seborá stated you can make that a requirement even if there is presently another owner.

Mr. Knutson stated the problem is with connecting the dam height to the development. He stated there are two separate issues that must be worked out. The dam elevation is an important issue and must be addressed at some point.

Mr. Reiner stated he feels the dam elevation should be recorded by Mr. Quade. He commented there must be a law requiring him to record the document.

Marty Campion, Civil Engineer with Otto and Associates, explained the issue is the impact the dam has on the development assuming it is what has been stated. They must determine the elevation now and the maximum elevation before it impacts someone other than Mr. Quade. A question should be what impact is there on surrounding property.

Mr. Telecky stated we can not change the elevation and again commented on the need to record the dam structure elevation. He explained County control is to require the recording of the elevation of top of the dam structure. Discussion followed on the easement to the Fish and Wildlife Services.

Wanda Heineke, property owner to the north, asked if the right of way platted to the north enters the Goetz or Stockman farm. After discussion, it was determined the Stockman farm. Ms. Heineke asked if there would be drainage to the north from the new development.

Mr. Campion explained the water shed plan and stated the swale proposed along the north property line will drain from the east to the west and then to the south wetlands. He stated this swale will provide relief for the north property also. Ms. Heineke asked if all property owners signed

off on the application for the plat and rezoning. Atty. Seboria stated all property owners of the development did sign the application.

Ms. Leyde asked if the drainage will go through her property to the south. Mr. Campion stated there will also be a drainage swale on the east property line. Ms. Leyde asked about swale construction. Mr. Campion explained a swale is different from a road ditch. A swale is 3 feet to 4 feet deep. Swales provide a place for overflow.

Ms. Leyde stated the road flooded out last Spring. Mr. Campion explained they assume the previous culvert was sized properly and their drainage calculations do not study the area prior to the culvert placement. He stated they made sure low entry to the houses in the new development were high enough should the culvert plug up. He again stated he did not size the culvert.

Ms. Wischnack stated the City Engineer did review the sizing of the roadway ditches. Ms. Leyde explained she has concerns with the drainage. Mr. Campion explained the swales are designed for drainage of Sioux Hills No. 4 and will not be pushing water to the other subdivisions. He explained the creek is a wetland and protected from altering them. He also explained the blocking of the tile on each end.

Larry Karg commented on the intent by Mr. Reiner to work with Mr. Schutte and Ms. Leyde in creating a drainage swale to help alleviate their water problems. He stated he walked the entire site and does not see the possibility of water running onto neighboring property. He commented on the fact the drainage plan on the development will help the neighbors.

Ms. Wischnack clarified a working tile line and what happens if homes are constructed over them.

Brian Forte asked if the swale will be located on his property.

Mr. Karg stated if he agrees to it. Ms. Wischnack stated it should be documented in writing.

Mr. Reiner stated this is a courtesy and he will not spend money to survey on paper. He will stay in the easements on the lots. Mr. Telecky asked that Mr. Reiner let the County know when and where the swale would be placed.

Ms. Wischnack explained a document should be written noting the depth of the swale, when it will be put in and signed by the property owner and the developer and entered in the file for the protection of the developer.

Mr. Reiner stated he will GPS the entire site and when completed will sign prints and give to the City, Township and County.

Discussion followed on the impact of swales in heavy rain. Mr. Campion explained the elevations will provide a mechanism for water to drain away from the other subdivision.

Mr. Forte commented on the standing water in the existing swale.

Mr. Campion stated they will cut not fill. He explained nothing in the area indicates fill. He again explained the disconnecting of the tile and how it would work.

Ms. Heineke asked if disconnecting the tile will affect the farm land to the north. Mr. Reiner explained the tile line is not connected and not flowing through.

Mr. Goetz explained there is an 8 inch tile which goes to the west and drains to the ditch.

Mr. Knutson moved to close the hearing. Seconded by Mr. Runke, the hearing closed at 7:35 p.m. Mr. Karg made a motion to approve the rezoning. Seconded by Mr. Knutson. The motion carried unanimously. Mr. Telecky stated this item would be forwarded to the County Board and placed on their consent agenda October 5, 2004 at 9:00 a.m. Mr. Reiner stated he understood it would be placed on the September 21st Board meeting. Mr. Telecky stated he would have to look into that.

4. NEW BUSINESS

- a) CONSIDERATION OF THE **REVISED PRELIMINARY PLAT** AND THE **FINAL PLAT** OF SIOUX HILLS NO. 4 SUBMITTED BY CRAIG REINER LOCATED IN ACOMA TOWNSHIP

Ms. Wischnack explained the Joint Board will be acting on the Final plat only. The Preliminary plat was approved last month. They should consider the revisions of the preliminary plat and the elevation of the dam structure.

Mr. Telecky asked Mr. Campion what he used for an elevation on the grading plan. Mr. Campion explained they used a series of surface overflows on the grading plan. They did not consider water backing up from the dam but did use surface overflows to determine the overflow drainage. Mr. Telecky stated this is the concern of staff because there are buildable lots platted in the area. That is why the elevation number is important to be recorded.

Mr. Lauer made a motion to approve the request pending filing of the dam structure elevation with the County. Seconded by Mr. Karg. The motion carried unanimously. Mr. Telecky stated this item would be forwarded to the County Board and placed on their regular agenda. He will check regarding the date whether it will be September 21st or October 5th. Mr. Reiner asked what was needed to get the final plat approved. Mr.

Telecky stated the card for the elevation of the dam structure will be issued by the DNR to be filed and the land owner must supply as-built information to the DNR. He explained that should be coordinated with the DNR. Discussion followed of the process to file the dam structure elevation before the final plat is filed.

5. OLD BUSINESS

6. COMMUNICATION FROM STAFF

a) REVIEW OF CONDITIONAL USE PERMIT JP01-C2 GRANTED TO BAUERLY BROTHERS

Ms. Wischnack commented on the previous Conditional Use Permit issued of which the 5 conditions of the County Board have not been complied with.

Mr. Telecky explained he wrote a letter to the property owner and Mr. Barnes has requested a meeting with the City and County staff to resolve the issues.

Discussion followed on the number of conditions not met.

Ms. Wischnack explained the complaint was the run off into the ditch. Mr. Knutson stated berming will detain run off. Mr. Telecky stated it is the run off from washing the trucks that is the problem.

b) UPDATE ON THE STRITESKY ANNEXATION

Ms. Wischnack stated Hassan Valley Township has signed a joint annexation resolution to be sent to the State.

7. ADJOURNMENT

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

**MINUTES – SPECIAL MEETING
HUTCHINSON AREA JOINT PLANNING BOARD
Monday September 27th, 2004
Hutchinson City Council Chambers**

1. CALL TO ORDER 6:00 P.M.

The meeting was called to order by Chairman Bill Arndt at 6:00 p.m. with the following members present: Larry Karg, Carl Runke, Jim Lauer and Chairman Arndt. Absent: Tom Wirt and Grant Knutson Also present: Julie Wischnack, AICP, Planning Director, Marc Telecky, McLeod County Assistant Zoning Administrator, and Jacalyn Pillatzki, EDA Intern

2. PUBLIC HEARINGS

a) RECONSIDERATION OF **CONDITIONAL USE PERMIT TO OPERATE A USED CAR DEALERSHIP IN THE FRINGE COMMERCIAL ZONING DISTRICT LOCATED IN SECTION 35, ACOMA TOWNSHIP, REQUESTED BY DALE HARBARTH**

Chairman Arndt reopened the hearing at 6:00 p.m.

Ms. Wischnack began by reviewing the storm water pond sketch plan to give a general scope of what Mr. Harbarth is proposing to do for storm water management.

A Board member asked what kind of a storm event would this pond handle. This information was not provided.

Ms. Wischnack asked for a statement in the form of a letter from the engineers indicating why this pond was designed in the way that it was.

Discussion about the proposed storm water pond and hydrology in general took place. Mr. Telecky stated that staff would feel more comfortable with the storm water management plan upon the completion of a hydrology study.

Ms. Wischnack noted that a change from the original request in August includes a reduction in parking spaces from 212 to 160. Chairman Arndt asked about the slope of the parking? Mr. Harbarth explained that the blacktop would be graded to less of an elevation than what it currently is. The pond proposal would take off ten feet of blacktop to clarify the footage for the parking area.

Mr. Harbarth stated that he is concerned about the space between cars and that he does not want to park cars on gravel.

Ms. Wischnack asked how many cars were currently on site? Mr. Harbarth replied that there are 150. Mr. Harbarth went on to state that it

is not the amount of cars parked in the lot but the amount of cars that have to be moved back and forth.

Mr. Harbarth stated that he would like to place two storage sheds on his property on the northwest corner. These storage sheds would be 12x16.

Mr. Telecky stated that there should be a limit on the number of cars allowed on the lot. Currently the property does not have storm water capabilities and is non-conforming in nature.

Mr. Harbarth said that one entrance would not be practical and that the back of the lot would be strictly for storage. He also stated that storage would not be located on frontage areas of the property and that this would not be a problem for anyone.

Mr. Karg asked if the hydrology study comes in favorable and if the size of the proposed pond can handle more blacktop would this affect the calculations of allotted cars on the property by both the City and Mr. Harbarth?

Ms. Wischnack stated that the staff's recommendation is to deny the permit due to land-use issues that involve the character of the area not being set up for that kind of a use and again asked that the Board consider limiting the number of cars allowed.

Mr. Harbarth stated that he has reduced his proposal to 160 spaces.

Chairman Arndt asked how Mr. Harbarth plans on protecting the cars from break-ins? Mr. Harbarth stated that he will be incorporating a security system but there is no sure way to prevent break-ins.

Mr. Lauer reminded Mr. Harbarth that he needs to include everything he would like to do in his plans specifically referring to the storage sheds that Mr. Harbarth indicated he would like to put on his property.

Mr. Karg stated that he would rather see an addition on to Mr. Harbarth's existing building than to see more storage sheds on the property.

Mr. Telecky stated that when staff reviews proposals that they only review what is presented to them. Mr. Telecky stated that the staff recommendation would be to deny the permit due to lack of a plan and that the number of vehicles allowed on the lot needs to be limited. He stated that the conditions with the storm water pond come from State. Mr. Telecky also stated that the clarification of how much pavement versus how many vehicles will be on the property would help the plan and reminded the Board that amendments can be made in the future if necessary.

Mr. Karg agreed that there should be a limit on the number of vehicles allowed on the lot. Mr. Harbarth stated that asking for allowance for 160 cars and is not asking for anything out of reason. Mr. Harbarth also

stated that the 12x16 storage sheds would be located on blacktop on the northwest corner, which is not on the proposal and asked if this could be added into the conditional use permit?

Mr. Telecky stated that the storage sheds would have to be 130 feet off of the center of the road and have to be 20 feet away from the trail property. Ms. Wischnack stated that Mr. Harbarth would need to move the buildings south of where he originally intended on the northwest corner. Mr. Harbarth stated that this would not be practical.

Mr. Karg stated that he is concerned about the aesthetics of the property and would prefer to see an addition to the existing garage instead of adding storage sheds. Mr. Karg noted that the placement of storage sheds on the blacktop would also limit the number of cars allowed on the lot. Discussion of aesthetics and storage sheds took place.

Ms. Wischnack reminded the board that staff has not seen plans for Mr. Harbarth's proposed storage sheds and would not have a recommendation for the Board until a map is reviewed of the proposed storage sheds.

Mr. Lauer made a motion to close the hearing. Seconded by Mr. Runke. The hearing closed at 6:47.

Ms. Wischnack listed the following as development conditions:

1. Limit the number of vehicles allowed on the property.
2. Completion of a storm water management survey.
3. Have an as-built date for the pond to be constructed and completed.
4. Storage shed conditions

Mr. Karg made a motion to approve the request with the following recommendations:

1. Limit the number of vehicles on the property to 160.
2. Completion of a hydrology study.
3. June 30th, 2005 as the as-built date for the pond to be constructed and completed.
4. Storage sheds must meet conditions.

Seconded by Mr. Runke the motion carried unanimously. Mr. Telecky stated that this item would be forwarded to the County Board and place on their consent agenda, October 5, 2004 at 9:00 a.m.

3. **ADJOURNMENT**

There being no further business the meeting adjourned at 6:55 p.m.