

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, January 20, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser (5:35), Jim Haugen, Lynn Otteson, Mike Flaata, Robert Hantge and Chairman Kirchoff. Absent: Farid Currimbhoy Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

- a) Consideration of Revised Minutes dated November 18, 2003 and Minutes dated December 16, 2003.

Mr. Haugen moved to approve the minutes of November 18, 2003 and December 16, 2003 as submitted. Seconded by Ms. Otteson, the minutes were approved unanimously.

3. PUBLIC HEARINGS

- a) CONSIDERATION OF **REZONING** PROPERTY FROM R1 TO R2 LOCATED AT 1245 ROBERTS ROAD REQUESTED BY RAYMOND NORTON

Chairman Kirchoff opened the hearing at 5:48 p.m. with the reading of publication #7139 as published in the Hutchinson Leader on January 8, 2004.

Ms. Wischnack explained the request and the history of the dwelling and zoning of the lot. She stated no separate water and sewer services were obtained but there are separate gas and electric services to the building. She stated the lot does meet the area requirement for a two family lot. There are no permits on file regarding the remodeling of the house into a duplex. Ms. Wischnack explained the spot zoning regulations and stated staff believes this would be spot zoning and therefore would deny the request.

Discussion followed regarding the communication between the Utilities and the City when services are being put in. Ms. Wischnack stated the communication is getting better between the two entities.

Raymond Norton, property owner of 1245 Roberts Rd SW, commented on the structure being constructed as a duplex apparently in 1976. He

explained the access to the downstairs which is from the outside or through the garage. He stated there is not a stairway to the downstairs in the house.

Ms. Wischnack stated the Certificate of Occupancy indicates a single family occupancy.

Mr. Norton commented on the parking access on Lakewood LN. John Rodeberg stated the parking is entirely on public property and was one time used for the daycare facility.

Mr. Norton again stated there does not appear to be evidence of a stairway to the downstairs anywhere in the house. He would like to sell the house and it is not as appealing to sell as single family.

Discussion followed on adding an inside stairway. Mr. Norton stated there would be an area in the dining room that could be taken out for a stairway.

Robert Vance, 1395 Roberts Rd, stated his concerns with the property being rental and the present buffer of Roberts Rd to the R2 zone. He has concerns with the precedent rezoning the lot would set. He also has parking concerns.

Mr. Norton stated Lakeview LN is also a buffer from Mr. Vance's property.

Mr. Fraser commented on the construction of the house without a stairway inside and the fact it has been a rental for many years. It appears to have been built as a duplex.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen. The hearing closed at 6:10 p.m. Mr. Fraser made a motion to recommend approval of the rezoning request to R2 with following recommendations: 1. the house must be brought up to Building Code for a duplex and 2. there must be separate addresses given to each unit. Seconded by Mr. Hantge. The motion carried 4 ayes to 2 nays. There was a roll call vote. Ayes were: Mr. Hantge, Ms. Otteson, Mr. Fraser and Mr. Flaata. Nays were: Mr. Haugen and Chairman Kirchoff. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held January 27, 2004 in the Council Chambers at 5:30 p.m.

b) CONSIDERATION OF **VARIANCE** REQUESTED BY FLOYD SJOSTRAND TO REDUCE PARKING LOT SETBACK LOCATED AT 901 HWY 15 SOUTH

Chairman Kirchoff opened the hearing at 6:13 p.m. with the reading of publication #7140 as published in the Hutchinson Leader on January 8, 2004.

Mr. Hantge asked to step down as he is a neighboring property owner.

Ms. Wischnack explained this is a follow-up to a lot split request in November by Dr. Beeler, property owner to the south, to deal with an encroachment issue regarding parking. She commented on the encroachment and the previous denial of the lot split request and building code issues for Dr. Beeler should the lot be split. Ms. Wischnack commented on the work done to the parking lot and whether or not it was enlarged. The property owner has indicated it was a repair. She explained the issue of encroachment was before the repair of the parking lot. She commented on the staff recommendations as follows and the struggle staff had in making the recommendations:

1. The parking lot must be no closer than 3' from the property line at any point, excluding the easement area. (3 foot variance, not 6 feet, as requested)
2. An easement agreement between the property owners must be submitted to the city for the encroachment of 3 parking spaces over the south lot line. (If no easement agreement is received, the parking area must be removed in that location by June 1, 2004.)
3. A double fee for the parking lot permit will applied, since the property owner did not acquire a permit for this construction.

Ms. Wischnack stated the number of parking spaces does not meet today's parking requirement. It was discussed that there are utilities on the East side of the lot. Ms. Wischnack stated Mr. Sjostrand's attorney has contacted her and indicated an easement agreement for the parking encroachment is in the works.

Mr. Flaata commented on the requirement if future utilities would be necessary in the encroachment it would be at the owners expense.

Mr. Rodeberg commented on the fact there has been no drainage review on the property. He stated, from what staff can tell, there is no additional impervious surface added which would not begin a drainage review.

Ms. Wischnack read a letter from Dr. Randy Anderson, neighboring property owner, regarding snow removal onto his lot and damage to his fence.

Mrs. Arlene Sjostrand, property owner, explained they purchased the lot in 1981. She commented on the sale of the lot and the fact they were not made aware of the property line encroachment.

Mr. Floyd Sjostrand stated they have owned the building for over 20 years and have made every attempt to be good neighbors and keep the property maintained. He commented on the snow removal process and stated Mr. Wayne Kenning is his manager and takes care of maintenance. He explained the parking lot encroachment and the problems when Dr. Beeler purchased the property to the South. Mr. Sjostrand stated he regrets the permits were not obtained for the parking lot repair and explained the miscommunication with the contractor and

who was to get the permits. He stated he would like to resolve the problems in the best interest of Dr. Beeler, the City and themselves.

Chairman Kirchoff asked if the parking lot was enlarged.

Mr. Sjostrand stated it was an overlay of the footprint. He stated parking was there since he owned the property and doesn't know how it happened to encroach into the easement and over the property line.

Discussion followed on the snow removal process. Mr. Kenning stated the snow was not put on neighboring property and he is not sure if the fence was damaged by snow removal. Mr. Kenning stated he would like to construct a fence between this lot and the lot to the south as kids jump the retaining wall with their bikes. He stated he has been involved with the property since 1978 and explained the previous ownership and configuration of the lots.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Flaata. The hearing closed at 6:44 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations adding a fourth recommendation that any utilities needing to be placed in the easement will be at the property owner's expense. Seconded by Mr. Fraser. Discussion followed by Ms. Otteson asking if they could add a fifth recommendation regarding the containment of snow on the property and drainage could not go onto other properties. Mr. Rodeberg stated it is alright to have the snow removal as a condition and that drainage cannot be increased to the neighboring properties. Chairman Kirchoff commented on item #2 and discussion followed regarding the timing of the easement document. It is the consensus of the Commission that the document must be provided to the City before this variance request is placed on the City Council agenda. Ms. Wischnack commented on item #1 and setting a time limit of June 1, 2004 for the removal of the 3 feet of asphalt along the south property line except in the encroachment area. Mr. Flaata amended his motion to include conditions 4 and 5. Seconded by Mr. Fraser. The motion carried with Mr. Hantge abstaining. Ms. Wischnack stated this item will not be placed on the City Council agenda until the easement encroachment documentation is received by the City.

c) CONSIDERATION OF **AMENDMENT** TO SECTION 10.07 OF THE ZONING ORDINANCE REGARDING TEMPORARY FENCES

Chairman Kirchoff opened the hearing at 6:53 p.m. with the reading of publication #7141 as published in the Hutchinson Leader on January 8, 2004.

Ms. Wischnack commented on the fence ordinance and the adding of temporary fencing to the ordinance in place. This would mean temporary or snow fences would require a permit. She explained the staff had minor revisions to the ordinance.

Discussion followed on the definition of temporary fence and what would determine limited period of time. Ms. Wischnack stated public works assisted in locating the snow fence at 400 School Rd. SW to place it off the public right of way. Mr. Rodeberg commented on the issues created by permanent and temporary fences. We do not want to over regulate. He explained even temporary fences would require a call to Gopher State One Call.

Orlin Henke, 410 School Rd., stated a number should be put to the limited period of time. Atty. Seboria stated the ordinance as designed will deter the people for taking it down. Mr. Henke stated this ordinance doesn't solve anything. He commented on the fact people putting up fences could be liable.

Mr. Fraser stated adding language will not solve this problem and he commented that change is appropriate. He stated this ordinance change is a step forward.

Discussion followed on the length of time a temporary fence could be up. Ms. Wischnack stated the staff struggled with the period of time and decided not to address it.

Mr. Henke stated as he traveled to the Twin Cities he did not see one snow fence in a city along the way.

Jeff Juncewski, grandson of property owners at 400 School Rd, St. Cloud real estate agent, stated there are many snow fences in St. Cloud and there is no ordinance regulating the fences.

Chairman Kirchoff stated maybe we need to take another stab at it and table to check with other cities.

Mr. Fraser stated it is good to include temporary fence requirements.

Mr. Hantge stated we should reject the ordinance as it doesn't solve anything.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen. The hearing closed at 7:15 p.m. Mr. Haugen made a motion to table and directed staff to research other cities. Seconded by Ms. Otteson. The motion carried unanimously. Ms. Wischnack stated staff will do further research and come back to the Planning Commission.

4. NEW BUSINESS

- a) CONSIDERATION OF **LOT SPLIT** SUBMITTED BY MARK SCHIERMAN TO SPLIT A LOT LOCATED AT 1020 GOLF COURSE ROAD NW

Ms. Wischnack commented on the request and location of the property. She stated there were a number of issues discussed by staff and

explained the development considerations as follows because of the length and width of the lots created:

1. The applicant must apply for a variance from the driveway setback requirement of 5 feet, when the owners are ready to proceed. The application must also include a driveway maintenance document and easement. The driveway must allow for fire access turn around space.
2. The water and sewer connections must be designed by an engineer. The lines will be required to be 6 inches for water and 8 inches for sewer. The engineer will review the proper location and ensure elevations will service the new homes. The sewer and water lines must also be located within an easement between the two homes. The documents must address maintenance issues.
3. The forester has reviewed the site and believes the driveway location, if placed in the center of the lot, will maintain substantial trees on the site.
4. Fire protection for the homes is a concern. Hydrants are located too far from the new home locations. Sprinkling in the homes or an additional fire hydrant would be possible requirements.

Ms. Wischnack then commented on the staff recommendations as follows:

1. The applicant would be required to pay sewer and water access fees and park dedication fees at the time of building.
2. A new home must be built on the northern lot within one year of this approval, or the detached accessory building must be removed.
3. The applicant is required to file all appropriate deeds to reflect the lot division.

Mr. Schierman stated two sheds have been removed and the third is on skids and will be removed shortly.

Discussion followed on emergency service to the property. Mr. Schierman stated he is not opposed to sprinkling the homes or putting in a fire hydrant.

Ms. Wischnack explained the possibility of re-subdividing and the need for enough service.

Mr. Hantge moved to approve the request for a lot split with staff recommendations. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda for the meeting held on January 27, 2004.

5. OLD BUSINESS

a) DISCUSSION OF CHANGES TO THE NUISANCE ORDINANCE

Ms. Wischnack commented on the recodification of the City Code. She stated the nuisance ordinance needed some changes in the hearing process and procedure. It was the consensus of the Planning Commission to accept the changes for the City Code.

b) AGENDA FOR JOINT TOUR ON JANUARY 28, 2004

Ms. Wischnack asked if there should be any changes to the agenda for the tour on January 28th. Ms. Otteson stated add the snow fences on School Rd.

6. COMMUNICATION FROM STAFF

- Ms. Baumetz stated election of officers will be held next meeting.

-Ms. Baumetz reported she was invited to the Dassel Planning Commission meeting to present a workshop on Variances and Platting procedures.

7. ADJOURNMENT

There being no further the meeting adjourned at 7:35 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, February 17, 2004
Hutchinson City Council Chambers

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

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

2. ELECTION OF OFFICERS

Chairman Kirchoff called for nominations for Vice Chairman. Mr. Hantge moved to nominate Mr. Fraser. The motion was seconded by Mr. Haugen. Mr. Haugen moved nominations cease, seconded by Mr. Hantge, nominations ceased. Chairman Kirchoff called for the vote. The vote carried unanimously.

Vice Chairman Fraser called for nominations for Chairman. Mr. Haugen moved to nominate Mr. Kirchoff. The motion was seconded by Mr. Hantge. Mr. Flaata moved nominations cease. The motion was seconded by Mr. Haugen. The vote carried unanimously for nominations to cease. Nominations for Mr. Kirchoff for Chairman carried unanimously.

3. APPROVAL OF MINUTES

a) Consideration of Minutes dated January 20, 2004

Ms. Otteson moved to approve the minutes of January 20, 2004 as submitted. Seconded by Mr. Flaata. The minutes were approved unanimously.

4. PUBLIC HEARINGS

a) CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY HABITAT FOR HUMANITY TO ALLOW CONSTRUCTION OF TWIN HOMES WITHOUT GARAGES LOCATED AT 560 AND 570 HILLTOP DRIVE

Chairman Kirchoff opened the hearing at 5:42 p.m. with the reading of publication #7145 as published in the Hutchinson Leader on February 5, 2004.

Ms. Wischnack commented on the request and location of the lots which are zoned R3 PDD. She gave the history of the plat and explained the

proposal included not to hardsurface the driveway. She stated the zoning ordinance requires hardsurfaced driveways in the R3 district. Ms. Wischnack commented on points to consider when allowing a Conditional Use Permit as follows:

- (a) That the proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community;
- (b) That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and
- (c) That the proposed building or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

She stated Staff does recommend to deny based on the character of the neighborhood and long term policy affect on the City. Ms. Wischnack commented on the information handed out at the meeting which included a number of house plan options that Habitat for Humanity would consider for the twin homes and a letter from Chuck Schmidt, President of the townhouse association across the street, in opposition to the project without garages.

Chairman Kirchoff asked if the drawing were requested by staff. Ms. Baumetz explained the discussion with Habitat after the staff recommendation of denial which concluded with Habitat sharing the drawings for more information to the Planning Commission.

Tom Carrigan, 105 Pauls Rd, stated he was speaking for himself and Dick Roskammer, 104 and 106 Pauls Rd., who was not able to attend this meeting. Mr. Carrigan stated they were against building a twin home with no garages. He explained that it would not be aesthetically good for the neighborhood. The fear would be too much “junk” in the yards. They are afraid it will decline their property values. Mr. Carrigan is afraid it would open the City up to a blight problem.

Jim Endres, 660 Hilltop Dr., stated he thinks Habitat homes are a a good idea and does not oppose the twin homes just the type of construction which is without garages. He is concerned with the future character of the neighborhood and the proposal not to construct garages. He stated what possibly could be constructed raises a red flag and the neighborhood has concerns.

Ken Schuman, 129 Morningside Dr. NE, stated there are by-laws and declaration of condominiums in the neighborhood and this does not conform to the by-laws. He commented they are starting with two lots, will this request be for more lots in the future. Mr. Schuman would ask the Planning Commission to deny the request.

Dave Wilson, project coordinator for Habitat, explained how the property looked when purchased. He stated it had grass and weeds almost waist high and they hauled out many loads of "junk". He explained they are providing safe homes for families. Mr. Hantge asked if they own the lots. Mr. Wilson stated they own 15 lots in this development. He explained Habitat presently has four homes in Hutchinson all with garages. There are three homes without garages in other communities. Mr. Wilson stated the Habitat guidelines are not to build garages or carports. He explained the only time they build garages is if required by the municipality.

Judy Dinger, Executive Director of Habitat for Humanity, commented on this process to openly share ideas. She explained they sent the Habitat for Humanity mission statements to the surrounding homes. Ms. Dinger explained the type of persons placed in the Habitat homes. They are entry level homeowners now living in apartments. She stated Habitat gives them the help they need to purchase a home. She explained these are vacant lots which will be turned into tax paying units. Ms. Dinger commented on the U.S. Habitat Standards for decent affordable homes. She commented on the cost of the homes and the importance of the homeowners success. She explained everyone wants a good character of their neighborhood and one would assume with a garage everything will go into the garage but Habitat can't promise the homeowners will keep everything in their garages which would be no different in any other neighborhood. There is freedom of choice.

Ms. Dinger explained there will not be the same covenants on these properties as the townhomes. She stated they do not intend to build on all 15 lots and would like these homes to blend in with the other properties. Mr. Hantge asked which lots they own. Ms. Dinger stated Lots 1-11 in Block 1, Lots 1 and 2 in Block 2 and Lots 11 and 12 in the cul-de-sac. She stated 5 lots are for sale right now. She explained habitat can not control what type of homes will be constructed on the lot s they sell. The long range goal is to sell to developers or homeowners. Habitat may develop 6 of the lots. There could be more or there could be less.

Mr. Fraser asked about the common wall agreements and how issue are dealt with if one wants an attached garage and one a detached. He stated there should be symmetry of the homes.

Ms. Dinger explained the Board is discussing that issue and will write an agreement with the homeowners on placement of garages. She also explained the Habitat rules regarding specific square footage requirements of the homes. She stated typically homes are three bedroom.

Mr. Fraser stated the Planning Commission may need detailed drawings to approve. He questioned the economics of building attached or detached garages “after-the-fact”. He asked if they knew the cost of building the house with garages versus adding garages later.

John Lofdahl, Head of the Building Committee, explained attached 400 sq. ft. garages raise the cost of the house \$12,000 - \$15,000 if a builder would construct the home. It would cost Habitat \$5,000 - \$6,000 more. He addressed the Conditional Use Permit issues Ms. Wischnack commented on earlier and stated they could build the home for less without garages and then serve more people. He commented on the savings to the families and explained the logic behind not building garages. He explained storage sheds will be included with the homes. Mr. Lofdahl stated he feels the requirement by the City is not reasonable and prices some families out of homeownership.

Ms. Otteson asked if the other lots would be marketable if homes are allowed in the area that don’t meet the City criteria.

Mr. Lofdahl stated he thinks they would be marketable since they are asking \$25,000-\$35,000 for the lots. As long as a decent house is constructed the lots should sell. He asked this not affect the consideration.

Ms. Otteson stated realtors pushed for double car garages because of resale.

Mr. Lofdahl stated the City should not price people out of the housing market by this ordinance.

John Mlinar, 704 Hilltop Dr., commented on the issues if allowed no garages, would other areas of Hutchinson want the same thing. He stated the Planning Commission should look at why the City opted to regulate garages to 400 sq. ft. He pointed out now people are building 3 car garages. He commented on the request to construct Morningside Estates and he is pleased with that development. Mr. Mlinar explained Hilltop Dr. is the main street to the area. He stated the character of the neighborhood is important. He explained the test of the ordinance is to be determined by the Planning Commission and City Council what they want to do. Precedent setting is important. He stated building something less does typically affect property values. He asked what happens to the homes when the owner leaves.

Mr. Wilson stated Habitat has the first option to buy back.

Mr. Mlinar asked if the owner sells could they sell to someone else.

Mr. Wilson stated these are entry level homes. They do not pay interest so hopefully they will save enough for garages for improvement to the property. There are basements for storage.

Mr. Lofdahl explained that Habitat holds three mortgages on the home. One is the cost for Habitat to build the home, one is a first time homebuyer grant and one is the difference between these and the assessed value. He explained the process and stated Habitat maintains the first right of refusal.

Mr. Mlinar asked in the event of future change of ownership would garages be built later. He stated they should keep to the ordinance to make sure garages are built.

Mr. Schuman commented on the condition of the property.

Mr. Endres asked the concerns of the public be considered.

Ms. Dinger stated she is not sure that having a garage would necessarily improve the neighborhood. She explained people have different values and opinions on appeal. There is a value of a garage if one uses it for storage. She explained the Board of Directors does not want to be adversarial and wants to work with the community. She would like to amend the request and ask for single car garages. She explained maybe that would be more favorable in keeping with the character of the neighborhood.

Chairman Kirchoff explained we don't know when garages would be constructed if we allow no garages.

Mr. Fraser asked if we should postpone to the next month and have Habitat bring back a proposal with single car garages. He has no issue with attached or detached however the symmetry issue must be addressed.

Mr. Lofdahl asked how many garages are allowed on a lot.

Ms. Wischnack explained that the ordinance states one detached and one shed are allowed per lot.

Mr. Hantge made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 6:45 p.m. Mr. Flaata made a motion to recommend denial of the request. Seconded by Mr. Haugen. Discussion followed on the good Habitat is doing for the community and the response to neighbors on building good neighborhoods. The motion carried on a 5 – 1 vote with Mr. Fraser voting nay. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held February 24, 2004 in the Council Chambers at 5:30 p.m.

- b) CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY THE HUTCHINSON POLICE DEPT. TO CONSTRUCT A STORAGE FACILITY ON PROPERTY LOCATED AT 127 – 1ST AVE SW

Chairman Kirchoff opened the hearing at 6:48 p.m. with the reading of publication #7148 as published in the Hutchinson Leader on February 5, 2004.

Ms. Wischnack explained the request to build a storage facility and the history of the lot. She stated this is a transitional area which contains commercial, residential and school. She explained the two options for placement of the building on the lot. In the first option, the building would be placed 25 feet from the south lot line or the street. The second option would bring the building closer to the street which would require removing the two maple trees in the front. The first option would require removal of the large elm tree in the rear. She explained both options would require tree removal. She commented on the staff recommendations as follows:

1. A flammable waste trap must be installed.
2. The building must have a separate water meter.
3. Drawing #2 site plan should be followed and leave the elm on the property (with some trimming to occur prior to construction).
4. The building shall have gutters installed on the west side of the building to better facilitate drainage.
5. The parking lot must be paved by the time a certificate of occupancy is issued for the building.
6. If future additions to the building are made, a conditional use process would again be required.

Mr. Hantge asked what the long term plan is for the police department in this area.

Sgt. Tom Gifferson explained the uses of the present police department buildings. He stated the EOC building was previously used for storage but it is not large enough for today's needs. Mr. Hantge asked if the long range plans would be to move the police department from the area.

Sgt. Gifferson stated they are constructing this building to be marketable.

Mr. Haugen stated this building would buy the police department 7-10 years longer on this site.

Discussion followed on the preference of options 1 or 2.

Sgt. Gifferson commented on the loss of trees. He explained that he has talked to the neighbors and they have differing opinions regarding removal of the large elm tree. He stated the neighbor directly to the west would like the tree removed.

Discussion followed on drawing 1 and the use of the new facility. Sgt. Gifferson stated this building would free up space in the existing police station.

Ms. Otteson commented on the large building and the need for screening to the west. Sgt. Gifferson stated he also discussed that with the property owner and the owner doesn't necessarily want plantings. Discussion followed on the need for landscaping the lot.

Mr. Haugen asked about the 14 foot sidewall height. Sgt. Gifferson explained the height is to accommodate the tactical vehicle (old Hutchmobile) which is presently stored at the street department facility.

Discussion followed on recommendation number 5 regarding paved parking. Ms. Wischnack explained the need for paved parking and future use.

Sgt. Gifferson stated the construction will be subcontracted. He also stated the building will be heated.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 7:08 p.m. Mr. Fraser made a motion to recommend approval of the request changing staff recommendation # 3 to drawing #1. Seconded by Ms. Otteson. Discussion followed regarding adding a seventh recommendation that the police department work with the homeowner if they wish screening as some time. Mr. Fraser moved to add the seventh recommendation. Seconded by Ms. Otteson. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held February 24, 2004 in the Council Chambers at 5:30 p.m.

5. NEW BUSINESS

None

6. OLD BUSINESS

a) **CONSIDERATION OF AMENDMENT TO SECTION 10.07 OF THE ZONING ORDINANCE REGARDING TEMPORARY FENCES**

Ms. Wischnack commented on research of other communities regarding temporary fences. She explained that basically temporary fences are regulated through the regular fence requirements. She commented on staff options as follows:

1. Do not allow temporary fences at all and provide language in the City Code (i.e. "temporary fences (without footings and/or posts placed in the ground) are not allowed).
2. Add the language change as proposed by staff and further define temporary as "a period not to exceed 5 months". Additional language could also state that the temporary fence may not "consist of ropes or other features which may be injurious to the public".
3. Do nothing and add no language changes to the City Code.

Mr. Hantge asked why staff is asking to regulate temporary fences when they didn't want to regulate dog kennels. Discussion followed on the staff suggestions and the directive from City Council.

Mr. Fraser stated we can't exactly eliminate the ordinance. He agrees with including temporary fencing to the fencing guidelines.

Mr. Fraser made a motion to include the words "including temporary" to the fence ordinance. Seconded by Mr. Hantge. Discussion followed on the use of orange snow fencing as temporary fences which would be allowed. The motion carried unanimously and will be placed on the City Council consent agenda on February 24, 2004, at 5:30 p.m.

7. COMMUNICATION FROM STAFF

- a) Duplex units in R1 Zones – Ms. Wischnack commented on the history of R1 and R2 zoning within the City. She asked if the Planning Commission is interested in regulating existing twinhomes in the R1 District.

Discussion followed on the Norton duplex last month. Ms. Wischnack explained the Planning Department is asked for letters of compliance when properties are being sold. Ms. Otteson stated compliance would be for insurance purposes. Ms. Wischnack stated it is easier for property owners to receive approval on Conditional Use Permits rather than rezoning for existing two family dwellings. She will prepare a report on the number of available R1 lots before 1991 which could be affected by the present ordinance.

- b) Survey Directive – Ms. Wischnack explained the request by City Council to have three Planning Commissioners involved in compiling a survey on the Planning/Zoning and Building Departments.

Chairman Kirchoff stated a survey is a good idea, if needed, and read a statement written by himself as chairman of the Planning Commission not to involve the Planning Commission in the process. This is a volunteer advisory committee and should not be involved. He commented on the red flags of surveys and results. Chairman Kirchoff did not call the members before he wrote the letter.

Chairman Kirchoff moved the Planning Commission not be involved in compiling the survey. Seconded by Ms. Otteson. Mr. Hantge questioned if the chair could make a motion. It was determined the chair can make motions.

Councilman Stotts stated his concern with staff being involved and the perception by the public that the survey would be tainted. He explained there should be an impartial party compiling the survey.

Mr. Fraser commented on the survey presented and asked if there could be a more quantitative type survey by the numbers distributed to the public. Ms. Otteson stated it is difficult to get something out of a paragraph form survey.

Mr. Stotts stated the Planning Commission would act as a depository to take the information to an informative City Council meeting.

Mr. Hantge stated he called Chairman Kirchoff to be on the committee. He explained it is difficult to have public complaining to him about decisions made by the City. He stated he respects what Chairman Kirchoff is saying.

Mr. Stotts explained he did have the City Administrator review the survey and the City Administrator told him it should be kept simple. Mr. Stotts also explained both the City Administrator and Ms. Wischnack reviewed and approved the survey.

Ms. Wischnack stated if a survey is requested we will accommodate the decision. She reported the wording was changed to reflect Mr. Haugen's suggestion to read "provide additional comments".

Mr. Fraser stated this is more feedback and discussion on feedback. Mr. Haugen commented on not compiling information and accept as feedback to share with City Council and Staff.

Ms. Otteson explained she believes in surveys and uses them to improve service. She doesn't feel the survey should go to the Planning Commissioners but to the elected officials, the City Council. Mr. Fraser stated the Planning Commission should not be involved.

Chairman Kirchoff again stated he is not in favor of the Planning Commission receiving the survey.

Mr. Fraser asked if the survey could go to a P.O. Box. He commented the issue seems to be between staff and council. He asked why would the Planning Commission be involved.

Mr. Hantge asked to define the capacity of the Planning Commission. He asked if they were only advisory to the City Council or are Staff equal advisors to the City Council. Discussion followed on the Planning Commission not being mediators between staff and City Council.

Mr. Hantge voiced his concern with Staff having the "last say" with the City Council and the Council doesn't consider the Planning Commission recommendations. He stated some property owners feel they are not getting fair treatment. Mr. Fraser stated the Planning commission advisement is not taken everytime. Mr. Hantge would like to know the procedure. Discussion followed on what is put on the consent or regular agenda. Ms. Wischnack stated there are no set rules of order to follow and she is open to solutions. Ms. Baumetz explained what is given to the City Council after the Planning Commission decisions are made.

Mr. Haugen commented on the City Council visioning workshop which did include an objective of surveying the community and focusing on different departments in the City.

Ms. Wischnack commented on Atty. Sebor's memo regarding the City Council decision.

Minutes

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Chairman Kirchoff called for the motion on the floor. After further discussion he called for a roll call vote. Discussion followed again. Mr. Fraser inquired about the use of a P.O. Box at the Hutchinson Post Office for the surveys to be mailed to and picked up by the Mayor. Mr. Stotts stated he wants an impartial person to bring the feedback to the City Council. He explained this will be an anonymous survey. Discussion followed if the surveys could be sent to the Hutchinson Leader.

Chairman Kirchoff moved to amend the previous motion adding the City rent a P.O. Box from the Post Office and the Mayor will pick up the surveys and deliver to who?

Mr. Haugen commented on the possibility of opening the surveys at a City Council Workshop.

Chairman Kirchoff moved to amend the previous motion that the Planning Commission not be involved in compiling the survey and adding the City rent a P.O. Box at the Hutchinson Post Office and Mr. Stotts would pick up the surveys which would be opened at a City Council Workshop. Seconded by Ms. Otteson. The motion carried unanimously.

- c) Plan for the C5 Area – Ms. Wischnack commented on the HRA requesting a more definitive land use plan for the C5 area for a more focused planning effort along Hwy 7.
- d) NAPA Conditional Use Permit – Ms. Wischnack explained the remodeling effort by Mr. Powell on the NAPA store and his request for a Conditional Use Permit to deviate from the recommended guidelines in the I/C District to remodel the interior of his non-conforming building.
- e) Farr Development – Ms. Wischnack explained Farr Development will be in next month with a preliminary plat for the Reiwier property on Jefferson Street.

8. ADJOURNMENT

There being no further the meeting adjourned at 8:10- p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, March 16, 2004
Hutchinson City Council Chambers

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

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

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated February 17, 2004

Ms. Ottenson moved to approve the minutes of February 17, 2004 as submitted. Seconded by Mr. Haugen. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **PRELIMINARY PLAT, REZONING AND PLANNED DEVELOPMENT DISTRICT** SUBMITTED BY FARR DEVELOPMENT FOR A 98 LOT PLAT TO BE KNOWN AS SOUTHFORK RIDGE LOCATED ON JEFFERSON ST. SE (RIEWER PROPERTY)

Chairman Kirchoff opened the hearing at 5:40 p.m. with the reading of publication # 7154 as published in the Hutchinson Leader on March 4, 2004.

Ms. Otteson stepped down from the Planning Commission.

Ms. Wischnack commented on the request for a preliminary plat of 98 lots, rezoning and planned development district to R3PDD. She explained the location of the property off Jefferson Street S.E. formerly the Rod Riewer property. She commented on the density of the development and the makeup of the housing from single family to five unit townhouses. Ms. Wischnack commented on the staff report regarding the street configuration and access to the development and pull-off parking in the townhouse area. She explained that shoreland requirements and density determination is complicated. Stormwater ponding has been addressed with two ponds in the development. The pond to the North is

appropriately calculated. The pond to the South has access issues, which must be addressed by covenants and restrictions on the lots affected.

Mr. Rodeberg stated there must be provisions for quantity and quality issues. There is a buffer provided along the river which meets the requirements of Best Management Practices.

Ms. Wischnack commented on the open space maintenance which must be regulated by covenants and association agreements. She explained the planting requirements of approximately 200 trees for this development. She stated there are multiple homeowners association documents in this development

Ms. Wischnack commented on the fees for this development. The parkland contribution is \$135.00 per unit. SAC/WAC charges in 2004 are \$2200.00 per unit (fees increase each year). This development is within the electric service territory area therefore does have to pay \$800.00 per unit. These costs are collected with the building permit. She explained there is an additional escrow required for the tree planting. 100% of the project improvement costs must be secured by a bond or letter of credit by the developer. Additionally a 7% engineering fee will be required for the City to monitor the private development construction. These fees are all collected prior to the development construction commencing. Ms. Wischnack reported on the staff recommendations as follows:

1. Setbacks for the development shall be as prescribed in the R3 Zoning District, excluding the undeveloped right of way in the central portion of the plat, which would have a reduced setback to 20 feet.
2. Homeowners Association documents must be submitted and provide information about shoreland alteration issues to provide for a density increase.
3. The trail width should be expanded.
4. The townhome area should be reconfigured to allow an area for off-street parking.
5. The ponding area on the southeastern area of the plat must provide more graded area for the slope to the pond. (This could be accomplished by relocating the road slightly to the west, which would allow for more relaxed sloping toward the pond.)
6. The townhome grading area must be reviewed with the City Engineer.
7. Street lighting shall be installed as part of the construction project (in consultation with Hutchinson Utilities).
8. The development phasing is identified as everything until Lot 17, Block 1, would be developed immediately. The subdividers agreement shall further define the extent of actual construction limits.

Ms. Wischnack stated recommendation #3 has been addressed. She stated the setbacks in the development will be the same as in an R3 zone except for the two lots bordering the 50 foot wide future access road off Grant Avenue SE. She stated the grading issues have been addressed also.

Mr. Charlie Levis, Farr Development, introduced the plat and stated they have worked to address the staff requests. He gave an introduction to the company and reported on other developments the company has completed in Minnesota. Mr. Levis stated they would begin grading as soon as possible in the Spring and will coordinate with the Jefferson Street work this year.

Mr. Kirchoff asked how they addressed the off-street parking in the townhouse area.

Mr. Brian Johnson, project engineer, Hakanson Anderson Assoc., explained they addressed the parking by proposing a 28 foot private roadway with parking on one side. They have also addressed the safety issue of the roadway for emergency vehicles. He explained the developer views off-street parking as promoting parking of boats, RV's, trailers etc. and that is not allowed in this development.

Mr. Rodeberg commented on the previous proposal and the new proposal stating they have addressed parking and safety satisfactorily.

Mr. Flaata commented on the City activities across the river from the development.

Mr. Rodeberg stated this has been discussed with the developers and they are aware of the compost facility, biosolids facility, sewage treatment facility and the Police training site in the area.

Ms. Wischnack stated this will be documented in the subdivision agreement. She commented on the informational meeting with the neighboring property owners which was held prior to this meeting.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 6:05 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations number 1,2,7 and 8. Seconded by Mr. Flaata. The motion carried with Ms. Otteson abstaining. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held March 23, 2004 in the Council Chambers at 5:30 p.m.

b) **CONSIDERATION OF A 35 LOT PRELIMINARY PLAT, REZONING AND PLANNED DEVELOPMENT DISTRICT SUBMITTED BY BRUCE NAUSTDAL TO BE KNOWN AS RAVENWOOD SOUTH**

Chairman Kirchoff opened the hearing at 6:08 p.m. with the reading of publication # 7155 as published in the Hutchinson Leader on March 4, 2004.

Ms. Wischnack commented on the request for a plat of 35 lots on 12.33 acres. The zoning directly to the north of the plat was zoned R3 PDD in 2002. She commented on the change of density from the original

Ravenwood plat. This plat would be less dense. She explained the fees associated with the plat. She stated there is a stormwater pond to the west of this plat. The City has received a grading plan. Mr. Rodeberg stated this is a low area and the lowest floor elevations must be one foot above the 100 year flood elevation. The developer must revise the site plan to indicate elevations. He stated the sewer is deep enough and the water main will loop.

Ms. Wischnack commented on the airport zoning in the plat and stated this plat does not have the same issues as Ravenwood West with the airport zoning.

Mr. Rodeberg explained the location of the storm sewer to the South edge of Target which is moving forward. This plat is proposed for 2005.

Ms. Wischnack stated the sewer line should be ready by August 1st this year. She commented on the setbacks proposed in the PDD and the fact staff suggests an 8 foot side yard setback for drainage. She commented on the staff recommendations as follows:

1. A letter requesting an improvement for public bonding must be received.
2. Grading and utility plans must be reviewed prior to City Council review of the preliminary plat.
3. The timing of the construction of the homes on this property shall be determined in the subdivision agreement.
4. A subdivision agreement must be executed at the time of final plat.
5. The setbacks shall be 20 feet in the front, 20 feet in the rear, and 8 feet on the side.

Ms. Wischnack stated recommendation #2 has been reviewed.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 6:15 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held March 23, 2004 in the Council Chambers at 5:30 p.m.

- c) CONSIDERATION OF **VARIANCE** REQUESTED BY BRENT CHRISTENSEN, APPLICANT, GOEBEL FIXTURE, PROPERTY OWNER TO CONSTRUCT AN OVERHANG ONTO A NON-CONFORMING BUILDING WHICH ENCROACHES INTO THE 30 FOOT FRONT YARD SETBACK LOCATED AT 528 DALE ST. SW

Chairman Kirchoff opened the hearing at 6:16 p.m. with the reading of publication # 7156 as published in the Hutchinson Leader on March 4, 2004.

Ms. Wischnack explained the request for a variance. She stated the property is zoned I-1 and commented on the history of the property. She commented on the following staff recommendations:

1. Roof drainage must be directed into the intake and not over the sidewalk on the south side.
2. Fire connections and Knox Box must be accessible during and after construction.
3. Attention must be paid to truck access during construction. (There have been challenges in the past with the loading dock that is located on the northern portion of the building. Additional construction equipment at the site will complicate that issue.)

Mr. Rodeberg stated the color schemes are earth tones which will fit into the neighborhood. Ms. Wischnack explained a Knox Box is the box which holds the entry keys in case of emergency.

Mr. Kirchoff commented on the loading dock off Dale Street.

Mr. Richard Goebel, Vice President, Goebel Fixture Co., stated the loading dock is used a small amount of time.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 6:21 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held March 23, 2004 in the Council Chambers at 5:30 p.m.

d) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY ROBERT POWELL, PROPERTY OWNER, TO REMODEL NON-CONFORMING BUILDING LOCATED IN THE I/C DISTRICT AT 194-4TH AVE. NE

Chairman Kirchoff opened the hearing at 6:23 p.m. with the reading of publication # 7157 as published in the Hutchinson Leader on March 4, 2004.

Ms. Wischnack explained the proposal which is confusing because of the non-conforming use versus the non-conforming structure. She stated this is only an interior remodeling. She stated the City Code describes the difference between non-conforming use and non-conforming structure. She commented on the loading dock which encroaches into the public right of way. She stated the dock must be removed prior to 2006. She explained the railroad property to the South is not yet owned by the City and is anticipated for this year. She commented on the following staff recommendations:

1. The loading dock must be removed prior to 2006.

2. The City will work with the applicant to relocate the loading dock through a lease arrangement on City property.
3. The conditional use does not allow for further extensions or enlarging the footprint of the building.
4. The conditional use permit considers remodeling for an auto parts store, which would be deemed a “trade or service” business within the I/C Zoning classification.
5. The conditional use permit is valid for 6 months, unless an extension is approved.

Mr. Rodeberg commented on frustrations of the property which is in a confined area between State and City property. He stated the present loading dock will be in the way.

There was discussion of placing the loading dock to the South and the maneuvering of trucks off the right-of-way.

Mr. Kirchoff questioned if this would remain an auto parts store.

Mr. Robert Powell, property owner, stated it would remain an auto parts store.

Discussion followed on the difficulty it would be to get the State to sell additional property to Mr. Powell for parking.

Ms. Otteson stated with the biking and walking on the trail it would be tough to have the loading dock on the South end of the building.

Mr. Rodeberg stated the City is in hopes of cleaning up the area and explained the placement of sidewalk on the south side of Hwy 7.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Hantge the hearing closed at 6:35 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held March 23, 2004 in the Council Chambers at 5:30 p.m.

- e) CONSIDERATION OF **VARIANCE** REQUESTED BY STEVEN AND JENINE NORDQUIST, PROPERTY OWNERS, TO REDUCE FRONT YARD SETBACK ON A PORTION OF ENTRY FROM 25 FEET TO 22 FEET TO CONSTRUCT OVERHANG OVER CURRENT FRONT ENTRY TO HOME LOCATED AT 545 HIDDEN CIRCLE SW

Chairman Kirchoff opened the hearing at 6:37 p.m. with the reading of publication # 7158 as published in the Hutchinson Leader on March 4, 2004.

Ms. Baumetz explained the request and the small area needing the variance. She commented on the staff report noting the hardship as the unusual shape of the lot located on a cul-de-sac. The staff would recommend approval.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 6:40 p.m. Mr. Haugen made a motion to recommend approval of the request noting the hardship of the unusual shape of the lot located on a cul-de-sac. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held March 23, 2004 in the Council Chambers at 5:30 p.m.

Note: Mr. Flaata left the meeting at 6:40 p.m.

- f) CONSIDERATION OF **VARIANCE** REQUESTED BY MIKE CORCORAN, PROPERTY OWNER, TO REDUCE PARKING LOT SETBACK FROM 6 FEET TO 0 FEET LOCATED AT 934 HWY 15 SOUTH

Chairman Kirchoff opened the hearing at 6:41 p.m. with the reading of publication # 7159 as published in the Hutchinson Leader on March 4, 2004.

Ms. Wischnack explained the request and commented on the removal of paved area last summer, which must be replaced. She stated there is pavement presently encroaching over the property line on the North side of the property. She stated staff has reviewed and discussed the request to add a portion of the Fahey property and the Apartment property to be paved and staff would propose to pave the parking lot in phases. Staff has not received documentation from the two property owners to the north to allow for their properties to be paved. She stated there must also be a cross parking agreement between the Fahey property and Mr. Corcoran. Ms. Wischnack stated the catch basin was discussed by staff and the consensus was it must be improved with plantings to catch the run-off into the storm sewer.

Chairman Kirchoff asked if only Phase 1 would be granted the Variance.

Ms. Wischnack stated the staff would like to see phase 1 completed immediately.

Mr. Rodeberg stated 0 setback along the west and south would cause concerns and staff would recommend at least 3 feet from the property line.

Mr. Mike Corcoran, property owner, presented a signed agreement with Mr. Fahey and he stated he has a verbal agreement with Mr. Daryani who is out of town until March 19th. He stated his goal is at least to go back to the hedge for now. He explained the parking lot in back is very muddy and he would like permission to pave the entire lot. Mr. Corcoran does agree to landscaping around the catch basin.

Discussion followed on the proximity of the Health Club's outside stairway.

Mr. Rodeberg stated the stormwater issues are what the staff would like to discuss. He stated we would like the time to thoroughly review the control the run-off rates.

Mr. Hantge commented on the possible need for a stormsepter. He questioned if it should be required.

Mr. Rodeberg stated not necessarily and explained the difference between this property and Mr. Hantge's property. He again stated in the past we have approved a variance for a 3 foot setback not 0. He explained there needs to be a plan developed to protect the catch basin run-off.

Chairman Kirchoff commented on the need for the property owner to protect the catch basin. Mr. Rodeberg stated there needs to be further review by the staff on the entire parking lot.

Mr. Corcoran explained the need to pave the entire lot because of costs to pave it in stages.

Mr. Rodeberg explained staff needs further review.

Mr. Corcoran asked why the staff would recommend a 3 foot setback.

Mr. Rodeberg explained some areas have agreements to cross park and for snow removal.

Chairman Kirchoff would agree to defer to next month.

Mr. Hantge made a motion to table to next month. Seconded by Ms. Otteson. The motion carried unanimously.

g) CONSIDERATION OF REZOING PROPERTY FROM R1 (SINGLE FAMILY RESIDENTIAL) TO I1 (LIGHT INDUSTRIAL DISTRICT) REQUESTED BY THE HUTCHINSON EDA (WETHERALL PROPERTY)

Chairman Kirchoff opened the hearing at 7:00 p.m. with the reading of publication # 7160 as published in the Hutchinson Leader on March 4, 2004.

Ms. Baumetz explained the request to rezone the recently annexed property from R1 to I-1 for the purpose of industrial development. She commented on the EDA Board returning with a plat in the near future and their plans for a building on the property.

Ms. Lisa McClure, Interim EDA Director, explained the rezoning would assist with the industrial expansion and the industrial park team

discussion of the plat. She stated one half of the south portion of the property will be used for construction of a spec building which would be placed on the east side of the south half.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 7:13 p.m. Mr. Hantge made a motion to recommend approval of the request. Seconded by Ms. Otteson. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held March 23, 2004 in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

None

5. OLD BUSINESS

a) DISCUSSION OF DUPLEX UNITS IN R1 ZONES

Ms. Wischnack commented on her follow-up from the discussion last month regarding duplex units in the R1 zone. She stated the new language would take place on lots prior to 1987. She explained the discussion is a reaction to the Norton rezoning. Mr. Rodeberg stated staff concerns are not to reward illegal duplex creations.

Ms. Wischnack commented on safety concerns and issues with no inspections. Discussion followed on public awareness that this is not legal.

The consensus of the Planning Commission is to review next month.

6. COMMUNICATION FROM STAFF

a) UPDATE ON THE INFORMATIONAL MEETINGS WITH CONTRACTORS, REALTORS AND CITY DEPARTMENTS

Ms. Baumetz updated the Planning Commission on the meetings the Planning and Building departments are having with the contractors, City departments and realtors to inform them of code changes from year to year.

b) DISCUSSION OF PLAT SKETCH SUBMITTED BY BRIAN BURGESS LOCATED ON JEFFERSON ST. S.E.

Ms. Wischnack commented on a 3 lot sketch submitted by Brian Burgess located along Jefferson St. After discussion, the consensus of the Planning Commission was not to allow too many driveway accesses.

7. ADJOURNMENT

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

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, April 20, 2004
Hutchinson City Council Chambers

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

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

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated March 16, 2004

Mr. Haugen moved to approve the minutes, with minor revisions, of March 16, 2004 as submitted. Seconded by Mr. Flaata. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **VARIANCE** REQUESTED BY MIKE CORCORAN, PROPERTY OWNER, TO PLACE HARDSURFACED PARKING UP TO THE PROPERTY LINE LOCATED AT 934 HWY 15 SOUTH

Chairman Kirchoff reopened the hearing at 5:45 p.m. with the reading of publication #7159 as published in the Hutchinson Leader on Thursday, March 4, 2004.

Ms. Wischnack updated the Planning Commission on the confusion regarding the amount of parking lot to be paved. She explained the owners of the apartments to the west did not sign the agreement. She commented that all the property owners affected must sign the application and a parking lot access agreement. She commented on the phases of paving being requested.

Ms. Wischnack commented on the following staff recommendations and drawing:

1. The property owners enter into a cross parking agreement/easement which would document the situation. The easement should clarify responsibilities regarding maintenance, snow removal etc.
2. Improve the catch basin system that is accumulating a large amount of siltation. This could be accomplished with plantings and grass around the catch basin.

3. The parking lot must be setback 3 feet from the west and south property lines.

Mike Corcoran, property owner, explained this was more complicated and at this time would request to move forward to pave Phase I and sometime in the future pave Phase II according to the staff recommendation and drawing.

Ms. Wischnack explained a variance does not expire in six months.

Mr. Rodeberg explained the new drawing with a 0 foot setback on the North edge of the property and a 3 foot setback on the west and south with landscaping to protect the catch basin.

Mr. Hantge asked if this property would require a storm septon.

Mr. Rodeberg stated this property is under an acre of impervious coverage and does not need to provide storm water ponding.

Ms. Wischnack stated there is now an agreement between Mr. Corcoran and Mr. Fahey for cross use of the parking lot. She stated utilities has no issues with the lot.

Ms. Otteson questioned if this goes on 2 to 3 years should there be reference to the plan that must be followed and use the date on the plan dated tonight.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Hantge, the hearing closed at 5:55 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations and drawing dated 4/20/2004. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held April 27, 2004 in the Council Chambers at 5:30 p.m.

- b) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY BRIAN PONATH, PROPERTY OWNER, TO CONSTRUCT A 3-PLEX WITH GARAGES LESS THAN 400 SQ. FT. LOCATED AT 446 PROSPECT STREET N.E IN AN R3 DISTRICT

Chairman Kirchoff opened the hearing at 6:00 p.m. with the reading of publication #7171 as published in the Hutchinson Leader on Thursday, April 8, 2004.

Ms. Baumetz commented on the request stating this is the same request as submitted in June of 2003. She explained the request for construction of a 3-plex with garages less than 400 sq. ft. She commented on the zoning history allowing up to 7 dwelling units on the property. There is an existing 4-plex built in 1997. Ms. Baumetz explained the entire development must be hardsurfaced before the new building is occupied. There are 18 parking spaces required for this property. She stated the

Planning Staff is in favor of granting the Conditional Use Permit with the following conditions adding number 6 regarding trash containers:

1. Parking must be hardsurfaced before new building is occupied.
2. There must be a 20 foot minimum hardsurfaced driveway to the 4 – plex on the property for emergency access. No Parking will be allowed on the driveway to the 4-plex.
3. Verify water and sewer service location.
4. Relocation of natural gas or electric services will be at owner's expense.
5. Verify electric load requirement.
6. **Section 6.06 of the Zoning Ordinance requires trash receptacles must be shown on the site plan and must be shielded.**

Mr. Fraser made a motion to close the hearing. Seconded by Ms. Otteson. The hearing closed at 6:05 p.m. Ms. Otteson made a motion to recommend approval of the request with 6 staff recommendations. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held April 27, 2004 in the Council Chambers at 5:30 p.m.

c) CONSIDERATION OF 3-LOT **PRELIMINARY PLAT** TO BE KNOWN AS MEADOW LINKS VIEW SUBMITTED BY BUTCH HAUSLADEN, PROPERTY OWNER

Chairman Kirchoff opened the hearing at 6:06 p.m. with the reading of publication #7173 as published in the Hutchinson Leader on Thursday, April 8, 2004.

Ms. Wischnack commented on the preliminary plat and reminded the Planning Commission of the previous plat known as First Addition to The Meadows. This plat will incorporate one lot from the previous plat. This is a 3 lot plat. Staff discussion centered around the sewer accessibility.

Mr. Rodeberg explained the route for service would be to run sewer line in 12th Avenue and under School Road. He stated a neighborhood meeting would be held as soon as possible. He explained sanitary sewer would be placed in the wide easements provided.

Ms. Wischnack commented on the fees connected with platting lots and the fact there are many trees on the parcel which the Planning Commission may want to waive the tree escrow requirement.

Butch Hausladen, property owner, commented on the tree escrow requirement and explained the placement of trees already on his parcel. Ms. Wischnack stated the ordinance allows for the Council to waive the requirement.

Scott Plowman, neighboring property owner, asked about the cost of the project. Mr. Rodeberg stated the estimated cost is \$100,000 to \$125,000 to get to the other side of School Road.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen, the hearing closed at 6:10 p.m. Mr. Haugen made a motion to recommend approval of the request with the following conditions: the tree escrow required may be waived, relocation of utilities will be at preproperty owner's expense, fees for SAC/WAC, parks, and electric service territory are required and there will be additional assessments concurrent with the sanitary sewer line. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held April 27, 2004 in the Council Chambers at 5:30 p.m.

- d) CONSIDERATION OF **VARIANCE** REQUESTED BY KERRY KRUEGER, PROPERTY OWNER, TO REDUCE FRONT YARD SETBACK FROM 25 FEET TO 18.5 FEET BY REMOVING A 6' X 8' NON-CONFORMING PORCH AND CONSTRUCTING AN 8'X 21' 3 SEASON PORCH ONTO HOUSE LOCATED AT 545 ERIE ST. S.E.

Chairman Kirchoff opened the hearing at 6:11 p.m. with the reading of publication #7172 as published in the Hutchinson Leader on Thursday, April 8, 2004.

Ms. Baumetz commented on the request to reduce the front yard setback from 25 feet to 18.5 feet for construction of an 8 foot by 21 foot 3 season porch to replace and existing 6 foot by 8 foot porch. She explained the staff were not unanimously in favor of granting the variance. She commented on the staff recommendations as follows:

1. The variance is for the project as identified in the site plan dated March 17, 2004. Any deviations from that plan would require further review.
2. Utility relocation would be paid for by the applicant.

Mr. Rodeberg stated the hardship was the question by some of the staff. However, there is no major impact if the variance is granted.

Kerry Krueger, property owner, explained the hardship of the age of the home and the fact the porch must be removed and the variance is needed to replace the porch.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Hantge, the hearing closed at 6:17 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held April 27, 2004 in the Council Chambers at 5:30 p.m.

e) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY HUTCHINSON MFG TO CONSTRUCT 2 - 40X80 POLE TYPE STORAGE BUILDINGS IN THE IC DISTRICT LOCATED AT 720 HWY 7 WEST

Chairman Kirchoff opened the hearing at 6:19 p.m. with the reading of publication #7174 as published in the Hutchinson Leader on Thursday, April 8, 2004.

Ms. Wischnack explained the new request for two 40'x80' pole type buildings located at Hutchinson Mfg. She reported there have been many discussions with Mr. Daggett and staff. She commented on the Memorandum of Understanding and the following conditions:

1. A memorandum of understanding be signed by the property owner and the City regarding the landscaping improvements.
2. Written verification that the storm water pond on the western portion of the property is in working order.
3. That there be paved access to the building constructed when the Highway 7 improvement is completed in the area or no later than 2007 (if the highway project does not occur). The paved access shall begin at the end of the highway improvement project pavement, and continue 110 feet to the south on the most easterly access to the parcel.
4. An additional hydrant and water looping must occur when the frontage road is constructed. A separate assessment hearing process will be provided for this consideration.
5. Building code compliance must be discussed with the building official.
6. The conditional use permit is valid for six months, unless an extension is requested or construction of the addition has commenced.

Mr. Hantge questioned the conditions staying the same with the memo of understanding covering remaining issues.

Ms. Wischnack stated the property owner requested more detailed recommendations along with a memorandum of understanding.

Mr. Rodeberg stated there will be much construction in the area with the Hwy 7 project. He explained the timing is not right to complete paving at Hutch Mfg right now. The conditions need to be defined.

Atty. Sebora stated a memorandum of understanding is important in a case like this. It puts both parties on notice. He explained #5 deals with future assessments through the 429 process.

Mr. Fraser made a motion to close the hearing. Seconded by Mr. Haugen, the hearing closed at 6:27 p.m. Ms. Otteson made a motion to

recommend approval of the request with staff recommendations 1-6. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held April 27, 2004 in the Council Chambers at 5:30 p.m.

4. **NEW BUSINESS**

a) CONSIDERATION OF **LOT SPLIT** REQUESTED BY PAUL BETKER, PROPERTY OWNER, LOCATED AT 165 – 5TH AVE NW

Ms. Wischnack commented on the frontage width and the drainage challenges because of the topography changes. She stated the property is approximately 3-4 feet lower than the street area on the eastern portion of the property. She explained the history of the lot being platted as lot 5 originally. Before 1984, the property was tax combine with Lot 6 (to the west) and then split off again sometime in 2001.

Ms. Wischnack stated the 1991 McLeod County Soils survey indicates this property is within a 414 soil which is Hamel soil type. Hamel soils indicate severe wetness for shallow excavations. She commented on the review of the site for drainage issues completed by Barr Engineering in August of 2003. She commented on the subdivision regulations, Section 12.4, Subd. 3 regarding drainage and flood hazard areas. Ms. Wischnack reported staff would recommend denial because of drainage issues.

Mr. Rodeberg stated flooding was a problem in the area last year. He stated the entire farm field to the north drains onto the property which needs four times the amount of storage to protect the property in a 100 year event. He explained there is one portion above the curb in the SW corner. There could not legally be a building permit issued for the second lot. He commented on possible options to purchase property to the north.

Discussion followed on filling the lot. Mr. Rodeberg stated the water would be directed to other properties creating liability issues. There is no easy solution.

Ms. Wischnack stated the lot might accommodate one home but not two. Mr. Rodeberg agreed with Ms. Wischnack.

Randy Redman, Your Home Realty, representing Mr. Betker, commented on the approval of the homes to the east and west which are at a higher elevation. He stated there will not be basements in the homes to be built. He questioned that the lots were buildable at one time noting there are two curb cuts and two utility services to the lots. Mr. Redman stated grading on the west and east properties have flooded this property.

Mr. Rodeberg stated he doesn't know what happened in the past. There are no records. He explained the property has not flooded many times.

Discussion followed on the recent filling on the property. The grading has been changed

Ms. Wischnack stated the 1985 topographic is at the same elevation as the recent survey.

Mr. Hantge asked how slab on grade homes at the same elevation would change the drainage flow.

Mr. Rodeberg stated there is a catch basin on the property. Mr. Wischnack stated we research lowest floor elevations when issuing a building permit.

Mr. Rodeberg stated we do not allow building on low areas and this lot has always been low. He again stated there can not safely be created two buildable lots. The property was purchased by Mr. Betker in 2001.

Mr. Currimbhoy commented on the soils.

Mr. Flaata asked if anything has changed on the property since 2001.

Mr. Redman stated Mr. Betker would like it split like it was before.

Ms. Wischnack explained the previous split is not in our records.

Mr. Rodeberg stated the city would work with Mr. Betker to build on the lot.

Atty. Sebor commented on a court action involving the parcel. He stated the neighbors have concerns regarding the drainage. The water must not be diverted to other properties.

Mr. Redman asked if it would be possible to elevate to build a house on slab.

Mr. Rodeberg stated there may be a way to look at mitigating but they don't have the right to do anything to affect the neighbor's property. This lot has historically been the lowest lot.

Discussion followed on the original plat with this as a platted lot.

Mr. Fraser made a motion to reject the lot split request due to the engineering assessment of the drainage and soil type issues. Seconded by Mr. Currimbhoy. The motion carried unanimously.

b) CONSIDERATION OF **SKETCH PLAN** SUBMITTED BY BRIAN BURGESS LOCATED AT 1383 JEFFERSON ST. S.E.

Ms. Wischnack commented on the sketch plan reminding the Commissioners there was a different sketch plan last month. She explained the property owner revised the plan since last month to include

lots for twin home development. She stated many times the developer will design the lots to accommodate single family homes and later split the lots for twin homes depending on the market. She explained common practice is to place a 32 foot street on the plat. Staff contemplated this cul-de-sac as a private road. Ms. Wischnack stated a wetland delineation is required to determine the wetland areas. She commented on the stormwater management, timing of the project and the fees. She explained the need to reconfigure the lots to meet lot size requirements. The property must be rezoned to R2 if twinhomes are to be constructed on the lots.

Discussion followed on private street confusion to the property owners. Associations are challenging.

Mr. Rodeberg explained to get the density wanted, associations are created. He pointed out this sketch is overly dense for the property. Density is driven by the developer to meet the market.

Brian Burgess, property owner, stated he has hired an engineering firm to help with the plan. He explained this is not exactly what will be presented in a preliminary plat. He stated the density is to make it work financially. Wesley Foss, property owner, stated this is just a preliminary layout sketch. He stated they can downsize the lots to meet the minimum requirements. They do not want to pile people on top of each other. There is approximately 4 – 6 buildable acres.

Mr. Burgess asked for input on the possibility of a private road.

Mr. Rodeberg stated the street sign colors are blue on private streets and green on public streets.

Mr. Burgess asked for direction on the sketch plan.

Mr. Rodeberg explained the City has private roads all over the City. He stated that is common in the metro area. He explained working with an engineer is the right direction to take. He commented on the issues with private roads. There must be an association to deal with the maintenance of the private road.

The consensus of the Planning Commission is to continue with the plat. They are on the right track. Set up an association to deal with the private road.

Ms. Wischnack stated this item does not go to the City Council.

c) CONSIDERATION OF **SKETCH PLAN** SUBMITTED BY LOWELL WRIGHT LOCATED ON JEFFERSON ST

Ms. Wischnack explained the location of the property on Jefferson Street. She stated the property owner is looking for feedback. There are three lots proposed with a narrow flag lot. She stated the lot depth language is

a concern. There must be a survey and there will be development fees as with all other plats. She explained the staff had a divided opinion on the sketch plan. One opinion is that this is a rural area and the plat should be allowed. The other opinion is to be mindful of future development in the area.

Mr. Fraser commented on the large assessments in the area because of the large lots.

Mr. Rodeberg stated it is a large deferred assessment. He noted there are services available to the two front lots. He explained this is a difficult situation because of the large assessments. He commented the area is well suited for rural not urban. He stated interest in platting will be added when activated after 10 years. The City is trying not to put a hardship on properties. Mr. Rodeberg commented on flag lots. The City tries to limit the risk of creating flag lots but it is a benefit to the City to allow it in some areas.

Lowell Wright, property owner, stated the lot was bought in 1977. He understood the lots could be split when the engineer recommended to put in service to the front lots at the time Jefferson Street was reconstructed.

Jerome Karl, Fahey Realty, commented on the shared driveway and the rezoning to R2.

Mr. Rodeberg stated they overcompensated on stubs so the City would not have to rip up the street again. It is not being assessed unless used.

Consensus of the Planning Commission is to move forward with the plat and meet with staff.

d) **CONSIDERATION OF FINAL PLAT TO BE KNOWN AS SOUTHFORK RIDGE SUBMITTED BY FARR DEVELOPMENT**

Ms. Wischnack commented on the final plat and the Phase I area. She commented on the 8 recommendations in the preliminary plat. We have received the homeowners documents. Numbers 3 – 5 are completed, 6 they have added language to clarify drainage, 7 street lighting is still a condition and 8 phasing of the development. She stated there are no new issues with the plat.

Mr. Currimbhoy made a motion to recommend approval of the plat with the staff recommendations. Seconded by Mr. Flaata , the motion carried with Ms. Otteson abstaining.

5. OLD BUSINESS

a) **RECONSIDERATION OF PRELIMINARY PLAT/PLANNED DEVELOPMENT DISTRICT KNOWN AS RAVENWOOD SOUTH SUBMITTED BY BRUCE NAUSTDAL**

Ms. Wischnack recapped the approval last month and the discussion of setbacks. She stated staff has reviewed the following recommendations with the developer:

1. A letter requesting an improvement for public bonding must be received.
2. Grading and utility plans must be reviewed prior to City Council review of the preliminary plat.
3. The timing of the construction of the homes on this property shall be determined in the subdivision agreement.
4. A subdivision agreement must be executed at the time of final plat.
5. **The setbacks shall be 20 feet in the front, 20 feet in the rear, and 8 feet on the side on lots 1-7, 10 and 11 and 6 feet on the remaining lots.**

Mr. Haugen made a motion to recommend approval of the revised conditions. Seconded by Mr. Flaata. The motion carried unanimously.

b) DISCUSSION OF AMENDING SECTION 8.01 OF THE ZONING ORDINANCE REGARDING EXISTING TWO FAMILY HOMES IN THE R1 DISTRICT

Ms. Wischnack commented on the amendment and stated a public hearing will be necessary to amend the ordinance.

Mr. Fraser made a motion to go forward with the amendment. Seconded by Mr. Flaata. The motion carried unanimously.

6. COMMUNICATION FROM STAFF

- Ms. Wischnack updated the Commissioners on the aerial photography progress. She stated they flew over the City last week and the map should be produced by July.
- Ms. Wischnack reported on the survey results stating there were 12 more surveys, 8 of which were very positive. There was 86% customer satisfaction in total. Ms. Wischnack stated comment cards will be sent with permits in the future.
- Chairman Kirchoff commented on an example of a Planning Commissioner job description and responsibility information.
- Mr. Hantge asked about the Habitat for Humanity request. Ms. Wischnack stated they withdrew the request before City Council met. There was a meeting with the Habitat people and two City Council members. They may apply again.

7. ADJOURNMENT

There being no further the meeting adjourned at 7:55 p.m.

**MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, May 18, 2004
Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen (.5:35 p.m.), Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge (5:46 p.m.) and Chairman Kirchoff. Absent: Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney, John Rodeberg, Director of Engineering, Miles Seppelt, EDA Director and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated April 20, 2004

Mr. Currimbhoy moved to approve the minutes of April 20, 2004 as submitted. Seconded by Ms. Otteson. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY PEACE LUTHERAN CHURCH TO USE PROPERTY LOCATED AT 400 GLEN ST S. (FORMER HANTGE FUNERAL CHAPEL) FOR CLASS ROOMS AND MEETING ROOMS LOCATED IN THE R2 DISTRICT

Chairman Kirchoff opened the hearing at 5:40 p.m. with the reading of publication #7188 as published in the Hutchinson Leader on May 6, 2004.

Ms. Baumetz commented on the request for the church to use the former Hantge Funeral Chapel for classrooms, meeting rooms and youth activities. She stated there is a possibility the upstairs would be turned into an apartment. The lot is zoned R2 which would permit housing. She commented on the staff recommendations as follows:

1. The Building Official and Fire Officer must inspect the building and complete a code review.
2. Expansion of use beyond the application (classrooms, meeting rooms, youth group, apartment) would require further review.

Ms. Baumetz stated there were no neighboring property owners objecting to the request.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 5:45 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried with Chairman Kirchoff abstaining. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

- b) CONSIDERATION OF **VARIANCE** REQUESTED BY 3-D CNC LOCATED AT 1055 5TH AVE. SE TO REDUCE SIDE YARD SETBACK FROM 20 FEET TO 17 FEET FOR THE CONSTRUCTION OF AN ADDITION ONTO AN EXISTING NONCONFORMING BUILDING AND REDUCE PARKING SPACE LENGTH BY 2 FEET

Chairman Kirchoff opened the hearing at 5:46 p.m. with the reading of publication #7189 as published in the Hutchinson Leader on May 6, 2004.

Ms. Wischnack commented on the request explaining the placement of the addition and the existing building. She stated the original plans showed a 20 foot setback. She explained there was a one stop shop meeting with the property owner. She also commented on the parking stall variance to ease access in the area. Ms. Wischnack explained there is adequate parking on the property. Landscaping requirements are 13 additional trees. The property owner is requesting 14 shrubs be allowed in place of the trees. The applicant has provided plans that indicate a new stormwater area to the north of the parcel. There must be an overflow outlet for the pond in the event of an unusual storm event.

Ms. Wischnack stated the hardship as the error in the placement of the original building. She commented on the staff recommendations as follows:

1. Additional trees should be added to the landscaping plan (2 inch minimum). Further discussion and coordination with the City Forester could assist in the process.
2. Plantings shall be completed prior to final inspection of the building
3. A design for the outlet pipe on the northern end of the property must be submitted, prior to permit issuance.
4. Parking lot must be paved prior to permit issuance.
5. Garbage area must be enclosed and screened.

Ms. Wischnack clarified number 4 to read prior to certificate of occupancy issuance.

Discussion followed on the shorter handicap parking. Mr. Rodeberg stated with the room for overhang of the vehicle the requirements would be met. He stated the lot drains by a swale. He explained in the present pond area the water soaks in the ground to dry with the addition ground coverage a small outlet will be needed to drain the pond.

Ms. Wischnack commented on the forester's review.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 5:49 p.m. Mr. Haugen made a motion to recommend approval of the request based on the hardship of the error in the building placement with staff recommendations changing #4 to “certificate of occupancy issuance” instead of “permit issuance”. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

- c) CONSIDERATION OF **VARIANCE** REQUESTED BY BARRY OLSON TO REDUCE FRONT YARD SETBACK FROM 25 FEET TO 18 FEET FOR THE CONSTRUCTION OF A COVERED ENTRY LOCATED AT 304 COLLEGE AVE N.E.

Chairman Kirchoff opened the hearing at 5:50 p.m. with the reading of publication #7190 as published in the Hutchinson Leader on May 6, 2004.

Ms. Wischnack explained the request to reduce front yard setback for the construction of a roof over the deck which is being constructed presently. She stated the ordinance allows a deck to be ½ the distance into the yard however a variance is required to cover the entry as it is not 25 feet from the property line. The hardship is the age of the home built before the ordinances were in place. She commented on the following recommendations:

1. A survey of the property is required to verify property lines (anticipated receipt 5/18/04).
2. The addition must not extend into the setback beyond that of the existing garage.
3. Must not build over utility lines or meters which must be moved at owner's expense.

Ms. Wischnack explained number 1 has been completed.

Mr. Olson stated there are no meters in the area of construction. The utility box on the west side of the deck will not be covered.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:00 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations number 2 and 3. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

- d) CONSIDERATION OF **VARIANCE** REQUESTED BY DAVID BROLL TO INCREASE LOT COVERAGE REQUIREMENTS FROM 35% TO APPROXIMATELY 37% FOR CONSTRUCTION OF FOUR-SEASON PORCH ON TOWNHOUSE LOCATED AT 70 ORCHARD AVE. S.E.

Chairman Kirchoff opened the hearing at 6:01 p.m. with the reading of publication #7191 as published in the Hutchinson Leader on May 6, 2004.

Ms. Wischnack explained the lot coverage requirement and stated we have granted such variances in the past. She explained the calculations for lot coverage are made in different ways either by individual lot or all lots involved. In this case, the coverage is over the requirement for both lots. She commented on the staff split vote of 6 to deny and 9 to approve. Some of the staff had issues with the house being too large for the lot. She explained the hardship created by the stringent code and commented on the drainage in the area. Ms. Wischnack commented on the staff recommendations as follows:

1. Utility meters must not be covered by the construction and removal would be at owner's expense.
2. The drainage in the southern portion of the property is questionable. Particular attention to how this area drains to the east and along the side property line is of the utmost importance. The drainage solutions must be presented prior to construction of this addition.
3. This lot may not contain any more structures.

David Broll, property owner, stated he will work with the City on drainage. He explained the house meets all setbacks and won't decrease the value of the other townhomes.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Hantge the hearing closed at 6:07 p.m. Discussion followed regarding the lot sizes and coverage. Mr. Broll explained lots 7 and 8 had the same issues and he decided to follow the code requirements. The final two lots are large enough for the additional coverage. Ms. Wischnack stated the property owner at 62 Orchard did call regarding drainage. Mr. Flaata made a motion to recommend approval of the request with staff recommendations based on the hardship created by code too stringent and the overall impact of the development will not be affected. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

- e) CONSIDERATION OF **VARIANCE** REQUESTED BY RANDALL AND EDITH CARLSON , PROPERTY OWNERS, TO REDUCE FRONT YARD SETBACK FROM 25 FEET TO 8.8 FEET FOR THE CONSTRUCTION OF ADDITION TO EXISTING NONCONFORMING DUPLEX LOCATED AT 426 HURON STREET SE.

Chairman Kirchoff opened the hearing at 6:14 p.m. with the reading of publication #7192 as published in the Hutchinson Leader on May 6, 2004.

Ms. Baumetz commented on the request and updated the Planning Commissioners on the staff discussion regarding the size of the addition. The house is a duplex and the staff are concerned with another unit being added. This area is zoned R2 for single and two family only. She

explained one of the recommendations is a letter stating the house will be used as a duplex only. She commented on the recommendations as follows:

1. There must not be additional living units in the house. Two families (as defined by ordinance) is the maximum.
2. A written statement from the property owner that this home would only be used for two families.
3. The building inspector/fire service administrator shall verify all of the appropriate life/safety codes are being met.
4. Removal or relocation of services is at owner's expense
5. Grading of the site must not negatively impact the neighboring properties.
6. Addition must not extend closer than shown on the survey dated 4/20/2004.
7. If trees are removed on the lot, boulevard trees must be planted to replace the trees lost.

Gerald Maidl, son-in-law of the property owners, explained the makeup of the addition adding a living room and 2 bedrooms to both floors. He stated the apartments are very small. He explained he and his wife live in one unit which has a separate entrance. One tree was removed. He stated the downstairs entrance will be from the front and a back door is also being planned. The entire house will be resided.

Ms. Wischnack stated the Building Official has completed a review of the house.

Ms. Baumetz stated the property owners across the street were concerned the addition would be placed closer to the road than the existing home.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 6:26 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations the hardship being the large boulevard and the age of the home before the ordinances were in place. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

- f) CONSIDERATION OF **VACATION** OF LOUISIANA STREET AND THE 10 FOOT UTILITY AND DRAINAGE EASEMENT DIRECTLY TO THE WEST OF THE STREET REQUESTED BY LEO SAND, SAND PROPERTIES, PROPERTY OWNER

Chairman Kirchoff opened the hearing at 6:28 p.m. with the reading of publication #7193 as published in the Hutchinson Leader on May 6, 2004.

Ms. Baumetz explained the request and stated the drainage and utility easements will be platted with the future development. She commented on the staff recommendations as follows:

1. All piled concrete material be removed from the property by June 30, 2004.
2. Future development plans must be reviewed under separate processes.

Dean Bertram, neighbor on 7th Ave, asked if a fence could be placed to buffer the properties in his development from this development as protection. Discussion followed on the fence to decrease movement between developments.

Neil Fortier, Sand Properties, stated he understands the issues and explained the fence requirement should be considered at the time of development.

Mr. Hantge made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 6:33 p.m. Ms. Wischnack stated the fence issue will be addressed at the time of the Conditional Use Permit. Ms. Otteson stated a police report should be received to substantiate the fence placement. There could possibly be a neighborhood meeting at the time of development. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

- g) CONSIDERATION OF **CONDITIONAL USE PERMIT AND VARIANCE** REQUESTED BY SCOTT GLASER, PROPERTY OWNER, TO CONSTRUCT A RETAINING WALL IN THE EASEMENT AND TO REDUCE SIDE YARD SETBACK 1 FOOT TO CONSTRUCT A HARDSURFACED DOG WALK 4 FEET FROM PROPERTY LINE LOCATED AT 785 ROBERTS ST. S.W.

Chairman Kirchoff opened the hearing at 6:36 p.m. with the reading of publication #7194 as published in the Hutchinson Leader on May 6, 2004.

Mr. Hantge stepped down from the Commission.

Ms. Wischnack explained this was not an easy request and staff had much discussion regarding the retaining wall and drainage of the property. She reported the landscaper suggested a swale between the homes. She explained there are other sites in the neighborhood like this. Ms. Wischnack stated the staff recommended denial of the Conditional Use Permit and Variance because of drainage concerns. She commented on options for staff recommendations should the Commission approve the request as follows:

1. After construction of the retaining wall, the final grades should be approved by the Engineering Department.

2. The property owner is responsible to relocate any utility lines in the area.

John Rodeberg commented on the drainage issues and concerns he has with the request. He stated the entire area of the yard drains through the area to be made smaller. This potentially could create problems. He explained there are other options for the dog walk placement.

Discussion followed on other placement options and proper grading to eliminate drainage problems. Mr. Rodeberg stated there is some problem not significant flooding.

Mr. Glaser, property owner, explained the purpose of the kennel placement so the dog could go into the garage. He stated he wanted to complete this project before the lot next to him is developed. He explained the dog walk could be used for a patio in the future. Mr. Glaser stated there are other alternatives, however, the kennel would then have to be made permanent.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 6:52 p.m. Mr. Fraser made a motion to recommend approval of the Conditional Use Permit with staff recommendations. Seconded by Mr. Haugen. The motion carried with Mr. Hantge abstaining. Ms. Otteson stated she has no problem with the retaining wall however the dog run variance is not appropriate since there are issues with drainage and dog feces runoff. Mr. Fraser made a motion to recommend approval of the variance due to the hardship of the house placement with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried with one nay and Mr. Hantge abstaining. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

h) CONSIDERATION TO **ANNEX** 80 ACRES BY ORDINANCE REQUESTED BY THE EDA KNOWN AS THE STRITESKY PROPERTY

Chairman Kirchoff opened the hearing at 6:58 p.m. with the reading of publication #7195 as published in the Hutchinson Leader on May 6, 2004.

Ms. Wischnack stated the EDA is purchasing the property contract for deed from the Stritesky family. She updated the Commission on the State Statutes regarding annexations over 60 acres. This property is 80 acres. She explained Hassan Valley Township has 90 days to respond which will be up on June 22, 2004. If the Township objects, the State continues the process.

Mr. Seppelt explained the EDA would like to secure additional area for industrial space. The goal is for industrial development which will not affect the residential properties. He stated Creekside Compost has an interest in 20 acres to locate leaf storage. There would be a tall fence or berming and planting constructed to shield the composting.

A letter from Mr. Walt Clay was read regarding his concerns with the annexation and the proposed use of the property unless a fence is constructed. Mr. Seppelt stated there is no commitment by Creekside to own or lease the property at this time.

Discussion followed on the process of rezoning and Conditional Use Permit. Ms. Wischnack stated I-2 (Heavy Industrial) would allow the compost site.

Mr. Fraser made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 7:13 p.m. Ms. Otteson made a motion to recommend approval of the request. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

i) **CONSIDERATION OF A 3 LOT PRELIMINARY PLAT TO BE KNOWN AS HUTCHINSON FIFTH AVE. INDUSTRIAL PARK SUBMITTED BY THE HUTCHINSON EDA**

Chairman Kirchoff opened the hearing at 7:15 p.m. with the reading of publication #7196 as published in the Hutchinson Leader on May 6, 2004.

Ms. Baumetz commented on the 3 lot plat requested by the Hutchinson EDA for industrial development. She commented on the following staff recommendations:

1. The subdivision ordinance requires tree planting. The City Forester has provided an analysis of the existing site. The tree planting could be done when a building is constructed (as would be the case in residential subdivisions).
2. There is an expectation that the isolated accessory structures would be removed from the property on the north side of road within 3 years.
3. A storm water pond would be required for the development and will be constructed as part of the grading improvements on Lot 2, Block 2.

Mr. Seppelt explained the previous acquisition of the property and the lease agreement with the Wetherall's. He stated they will develop Block 2 first. A spec building to be use as light industrial will be constructed on the lot. He explained larger scale industrial is anticipated for the North lot. He commented on providing a gateway type of entrance to the city on the East.

Mr. Fraser made a motion to close the hearing. Seconded by Mr. Hantge the hearing closed at 7:20 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Baumetz stated this item

will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

j) CONSIDERATION OF **AMENDMENT** TO ZONING ORDINANCE SECTION 8.01 REGULATING EXISTING TWO FAMILY HOMES IN THE SINGLE FAMILY RESIDENCE DISTRICT

Chairman Kirchoff opened the hearing at 7:21 p.m. with the reading of publication #7197 as published in the Hutchinson Leader on May 6, 2004.

This item was discussed at the April meeting.

Mr. Fraser made a motion to close the hearing. Seconded by Mr. Hantge the hearing closed at 7:22 p.m. Mr. Fraser made a motion to recommend approval of the request. Seconded by Ms. Otteson. The motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

4. **NEW BUSINESS**

a) CONSIDERATION OF **FINAL PLAT** TO BE KNOWN AS SOUTHFORK RIDGE SECOND ADDITION

Ms. Otteson abstained from the discussion.

Ms. Baumetz explained the request as being Phase II on the final plat of Southfork Ridge. She commented on the following recommendations as follows:

1. Setbacks for the development shall be as prescribed in the R3 Zoning District.
2. An additional subdivider's agreement must be executed.
3. Any additional fees must be submitted by the applicant.

Mr. Flaata made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen. The motion carried with Ms. Otteson abstaining. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held May 25, 2004 in the Council Chambers at 5:30 p.m.

b) DISCUSSION OF PLANNING COMMISSIONER JOB DESCRIPTION AND DUTIES

Ms. Wischnack commented on the sample description from Lynden, WA. The sample was retyped to reflect Hutchinson. Discussion followed on the possibility of Government Training Services coming to Hutchinson to put on a workshop regarding the role of the Planning Commissioner.

Discussion followed on the open meeting law and if e-mails violated the law. Public data technically could be a violation if the planning

commissioners would discuss an item by email before the vote. Discussion followed on the process with after the fact information.

Ms. Wischnack stated a flow chart of the process could be made. Discussion followed on the need for a Planning Commission representative at the City Council meetings.

5. OLD BUSINESS

None.

6. COMMUNICATION FROM STAFF

Ms. Otteson commented on the workshop she attended on May 13th put on by Government Training Services.

Ms. Wischnack updated the Commission on the three upcoming requests for senior housing developments.

7. ADJOURNMENT

There being no further the meeting adjourned at 7:55 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, June 15, 2004
Hutchinson City Council Chambers

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

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

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated May 18, 2004

Ms. Otteson moved to approve the minutes of May 18, 2004 as submitted. Seconded by Mr. Haugen. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **PETITION TO ANNEX** 23.85 ACRES (HAJIECK PROPERTY) SUBMITTED BY FARR DEVELOPMENT

Chairman Kirchoff opened the hearing at 5:35 p.m. with the reading of publication #7201 as published in the Hutchinson Leader on June 3, 2004.

Ms. Wischnack commented on the request to annex approximately 24 acres, location of the property and the proposed development. She explained the updated version of the development which could include a student housing and senior housing mix. She commented on the location of the public and private streets. The public streets being Denver and Montreal.

Charlie Levis, Farr Development, commented on the modification of the plan to include student housing and the private interior streets. He commented on the campus community which will be completed in three phases.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 5:47 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent

agenda at their meeting held June 22, 2004 in the Council Chambers at 5:30 p.m.

- b) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY LARRY MURPHY TO PLACE A 20' X 8' STORAGE SHED ON PROPERTY LOCATED IN THE C-5 DISTRICT AT 281-3RD AVE N.W.

Chairman Kirchoff opened the hearing at 5:50 p.m. with the reading of publication #7202 as published in the Hutchinson Leader on June 3, 2004.

Ms. Wischnack explained the property is in the C5 district which requires a Conditional Use Permit. The lot is a single family residential use in the commercial district. She explained the shed is already in place on the lot and commented on the application process by Mr. Murphy. She reported Mr. Murphy has stated he will use the shed for his business next door. The shed will not be impacted by the Hwy 7 project. Sheds do not require a floating slab in the commercial districts. She commented on the conditions as follows:

1. The matter of violating the City Code shall be handled by the City Attorney's office.
2. The building be used, primarily for commercial purposes.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 5:54 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held June 22, 2004 in the Council Chambers at 5:30 p.m.

- c) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY JAY PETTIT TO AMEND THE PLANNED DEVELOPMENT DISTRICT TO ALLOW FOR A REDUCTION IN LOT WIDTH FOR CONSTRUCTION OF DUPLEXES ON LOTS 5 AND 6 , SANTELMAN'S ADDITION

Chairman Kirchoff opened the hearing at 5:55 p.m. with the reading of publication #7203 as published in the Hutchinson Leader on June 3, 2004.

Ms. Baumetz commented on the request and explained the property is zoned for multiple family. The planned development district must be amended to allow for a lesser width of lot for a twinhome. There will be a two car garage attached to the building. She commented on the following staff recommendations:

1. Grading must be completed to 6 inches of final grade for electric and natural gas services.
2. Each unit must have separate water service.
3. Parkland dedication is \$135.00 per unit to be collected at the time of building permit.
4. Garages must be 400 sq. ft. or larger.

Mr. Pettit stated the homes will be 1800 sq. ft.

Discussion followed on the grading of all the lots as requested by Utilities.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:00 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations adding to #1 “grading must be approved by the City Engineer before final building permit is issued” and #2 should read separate water and sewer service. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held June 22, 2004 in the Council Chambers at 5:30 p.m.

- d) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY OUR SAVIOR’S LUTHERAN CHURCH TO ALLOW THE CHURCH TO OPERATE A CHILD CARE FACILITY AT 810 BLUFF ST. N.E.

Chairman Kirchoff opened the hearing at 6:02 p.m. with the reading of publication #7204 as published in the Hutchinson Leader on June 3, 2004.

Ms. Baumetz explained this item was requested in December for the entire building. The building codes will not allow both levels to be used for day care in this building and the new request is for the upper level only for 14 children. She commented on the following staff recommendations:

1. Compliance with the building and fire code.
2. Additional turning or backing area must be added in the garage/ driveway location.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:05 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held June 22, 2004 in the Council Chambers at 5:30 p.m.

- e) CONSIDERATION OF **PRELIMINARY PLAT** TO BE KNOWN AS COMMUNITY OF LAKERIDGE, **REZONING FROM R-1 TO R-4 AND PLANNED DEVELOPMENT DISTRICT** TO ALLOW FOR CONSTRUCTION OF A 36 UNIT SENIOR HOUSING CONDOMINIUM COMPLEX LOCATED AT 1085 DALE ST SW

Chairman Kirchoff opened the hearing at 6:06 p.m. with the reading of publication #7205 as published in the Hutchinson Leader on June 3, 2004.

Ms. Wischnack explained the request and the rezoning to multi-family planned development district. She commented on the condominium type of plat stating the final plat is not recorded until the building is constructed. The parcel is approximately 4.5 acres. The developers are comparing this to Green Castle near the hospital. This project is less

dense than Green Castle. She stated the open space requirement is 20% and will meet the required 1.07 acres. Parking requirements for senior living is .5 space per unit and the plan does meet the requirement. She explained the fees required for this development and that the tree escrow has not been determined. She commented on the staff recommendations as follows:

1. Amend the site plan to move the retaining wall to the west; which in turn may require the building to move toward Dale Street, to approximately 30 feet of setback.
2. Revise drive on east side to allow turn around spaces.
3. Parking lot and access drives would be paved no later than June 1, 2005.
4. Plantings and bufferings would be planted no later than June 1, 2005. (Final landscape plans must be approved by the City Forester prior to issuance of a building permit.)
5. The stormwater pond vegetation material should be approved by the Parks and Recreation Department.
6. Homeowners association documents must be filed concurrently with the Common Interest Community Plat.
7. Special attention to the northern property line must be given during construction. Grading near that line may not encroach on the other property.
8. All fees shall be paid at the time of building permit issuance.
9. Garage areas must be enclosed.

Discussion followed regarding emergency vehicle access. Ms. Wischnack stated the fire hydrant locations are appropriate and the building is fully sprinkled.

Stormwater management in the court yard has been addressed. Ms. Wischnack commented on the drainage to the east, the retaining wall and proper screening for the property to the east which are single family lots. She stated there are multiple catch basins in the development. Discussion followed on landscaping and vegetation on the east side of the development. There was also discussion on use of the property to the north.

Cheryl Dooley, Hometown Realty, stated the floor plan is the same as Green Castle but the architectural design of the outside is different.

The discussion was tabled at 6:20 p.m. until the developer arrives.

The hearing reopened at 7:08 p.m.

Doug Carlson, Carlson Development, stated the building has been moved to allow for development of the retaining wall on the east. He explained they are working with the City Forester on the landscaping plan.

Chairman Kirchoff asked about size of the turnaround and dumpster area being adequate for vehicles to make the turnaround. Doug Goriesky

stated it would be tight but a vehicle can turnaround. He stated the garage floors are 6 inches from the finished floor elevation.

Mr. Carlson stated the garages are in the building similar to Green Castle. Ms. Wischnack stated Villiage Cooperative is also similar.

Mr. Carlson stated the common area of the building will be elevated for looks. There will be 36 units plus 2 guest rooms. He explained there will be 8 one bedroom units and the remaining will be two bedroom. All have patios.

Ms. Wischnack stated major concerns have been addressed and she asked the developers to explain the CIC concept.

Atty. Scott Johnston, explained a condominium is different than townhouses. The condominium concept is buying air space which is everything within the ceiling, walls and floor. The warranty deed reflects that space. Garages are a separate warranty deed. He explained the association is responsible for maintaining the building. There will be a declaration and bylaws and the owners pay assessments. There will also be a capital improvement fund for future repairs. He stated there will be no patios or gardens allowed in the setback areas and the water retention ponds will be maintained by the association.

Doug Carlson explained the building will be heated by hot water heat there will be one water and one gas meter on the building and 37 individual electric meters which will be accessible to the City.

Jim Pease, 1065 Dale St., commented on his concerns being surrounded by senior living developments and the resale of his property. He asked if the developer would be constructing a privacy fence along the north side of the property and the treatment of ponds for mosquitoes. Mr. Goriesky stated the trees along the north property line are staying as a buffer and the new landscape plan does show screening to the north. He explained the ponds will be dry pond with no standing water.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 7:20 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen. Ms. Otteson stated dry ponds should be added to recommendation #5. Mr. Flaata amended his motion to include dry ponds in #5. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held June 22, 2003 in the Council Chambers at 5:30 p.m.

- f) CONSIDERATION OF **VARIANCE** REQUESTED BY JEANNINE GEHLEN TO REDUCE CORNER LOT SETBACK FROM 25' TO 15.2' FOR THE CONSTRUCTION OF 24' X 24' GARAGE LOCATED AT 555 GROVE ST. S.W.

Chairman Kirchoff opened the hearing at 6:25 p.m. with the reading of publication #7206 as published in the Hutchinson Leader on June 3, 2004.

Ms. Baumetz commented on the request noting the hardship of the narrowness of the lot. She commented on the following staff recommendations:

1. The site plan dated March 31, 2004, shall be followed.
2. Finished grading shall not impact neighboring properties or the alley area.
3. The garage shall not exceed 16 feet in height (as measured to the mean of the roof).
4. The building shall not be of pole construction.

Discussion followed on the 15 foot driveway to the street. Mr. Haugen stated the garage could go back 4 feet to give more off street parking.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:30 p.m. Ms. Otteson made a motion to recommend approval of the request due to the hardship of the narrow lot with staff recommendations adding a 5th recommendation to move the garage to 6' from the south property line. Seconded by Mr. Haugen The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held June 22, 2003 in the Council Chambers at 5:30 p.m.

- g) CONSIDERATION OF A 3 LOT **PRELIMINARY PLAT** TO BE KNOWN AS WELCOME TO OUR HOME SECOND ADDITION, **VACATION OF UTILITY AND DRAINAGE EASEMENTS, REZONING FROM R-1 TO R-4 AND PLANNED DEVELOPMENT DISTRICT** TO ALLOW FOR CONSTRUCTION OF A 2 STORY 50 UNIT CATERED LIVING COMMUNITY FOR SENIORS WHICH WILL LINK TO THE OAKS APARTMENTS LOCATED AT THE END OF CLEVELAND AVE S.W.

Chairman Kirchoff opened the hearing at 6:33 p.m. with the reading of publication #7207 as published in the Hutchinson Leader on June 3, 2004.

Ms. Wischnack commented on the request and the vacation of the platted easement area. She distributed the landscape plan and commented on the link between the buildings. She commented on the previous development and stated the existing utility must be relocated as there are utilities in the area. The development will require rezoning to multiple family and an update of the planned development district. She reported the sewer and water access is from Cleveland Ave. The plan does meet the parking requirements. Stormwater management was intended with The Oaks pond. She stated the concerns of staff is the connectivity of Cleveland Ave. to Dale St. She commented on the fees required and the staff recommendations as follows:

1. A reconfiguration of the building location be designed as to circulate traffic in the neighborhood by connecting streets in the area.
2. Provide a landscaping plan prior to review by the City Council. The plan must also be approved by the City Forester and installed no later than June 1, 2005. (Staff has discussed buffering with the applicant.)
3. The parking lot must be paved no later than June 1, 2005 (this will be a late in year construction; therefore anticipation of weather constraints should be considered).
4. Utility line relocation costs would be paid by the applicant.
5. The connection between the buildings must meet all applicable code requirements (fire code, building code, etc.)
6. Garbage dumpsters must be enclosed.
7. The fees would be collected at the time of building permit.

Ms. Wischnack commented on a discussion she had with neighboring property owner Don Kosticka 915 Cleveland Ave SW, regarding weeds on the property. She reported he is not against the apartments.

Terry Dean, 905 Cleveland Ave. SW, commented on his concerns with drainage when the building is constructed.

Steve Eichten, 1100 Keith St., commented on the drainage problems he has presently. He asked if this could be corrected which the development of the property.

Mr. Dean stated there is already a water problem from the church property and adding more is a concern. He asked if there could be a green space transition from R1 to R4 and stated there is no guarantee this will always be senior housing. Ms. Wischnack explained there would be more parking required for a change in occupancy.

Ms. Otteson asked if the wetland area could be a possible spot for ponding.

Ms. Wischnack explained water can not be directed to a wetland. It must go to a secondary pond before meeting the wetland. She stated The Oaks pond is designed to capture the extra runoff.

Ms. Otteson asked about screening.

Mr. Dean asked the City to address water issues and fix the intake.

Ms. Wischnack stated the City will work with the neighborhood. Discussion followed on the screening of the parking lot from the single family lots.

Mr. Dean requested the entry and exit of construction equipment not be from Cleveland for the safety of the children in the neighborhood.

Joyce Krcil, 1120 Keith St. SW, voiced concerns with the water in the area and the issues with more construction. She stated the elevation was raised when The Oaks was constructed. She stated she would like to see a buffer from the

single family lots. She commented on concerns with car lights on the road into the single family homes. Mosquitoes are also a concern.

Ms. Wischnack stated John Rodeberg is working on some mosquito control for the City.

Ms. Krcil stated the weeds have not been mowed and there are thistles ready to bloom.

Discussion followed on the drainage issues.

Dale Tauer, Welcome to Our Home, stated he will lower the intake and water will run to the South of the building. There are lines running to the pond. He stated they hired a person to mow the lot. Chairman Kirchoff asked if this would be a public street. Mr. Tauer stated they will build the street to specification.

Ms. Wischnack stated staff is concerned with the location of the street proposed.

Discussion followed on placement of the building more to the south.

Mr. Tauer stated they could build a 3 story building. Ms. Wischnack stated there are multiple options. She explained the road design options to connect one of the two streets. She stated this plan is short sighted.

Chairman Kirchoff recommended more meetings with staff.

Mr. Tauer stated they are hoping to begin construction this summer. He stated there is another development plan for lot 1. He stated an entrance off Blackhawk Court may work.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 7:05 p.m. Mr. Flaata made a motion to table the request until the July 20, 2004 meeting to deal with the drainage, street and buffering issues. Seconded by Ms. Otteson. The motion carried unanimously. Ms. Wischnack stated a neighborhood meeting will be scheduled before the July 20th meeting.

- h) CONSIDERATION OF 7 LOT **PRELIMINARY PLAT** TO BE KNOWN AS KOTTKE'S AND **REZONING** FROM R-1 TO R-2 PDD SUBMITTED BY BRIAN AND SHARON BURGESS LOCATED AT 1381/1383 JEFFERSON ST. S.E.

Chairman Kirchoff opened the hearing at 7:30 p.m. with the reading of publication #7208 as published in the Hutchinson Leader on June 3, 2004.

Ms. Wischnack commented on the proposal of a seven lot subdivision to be developed as twinhome lots. She explained it is common to plat and then split the lots. The property is off Jefferson Street and a private street is being planned with a cul-de-sac. They cannot go through because of the topography. The street indicated cannot be platted as an outlot. It

must be a platted street. A planned development district is required because of the unusual lot widths. She commented on the wetlands to the east and the lowest floor elevation. Stormwater pond accessibility is an issue for maintenance. She commented on the fees for each lot and the tree escrow for 28 trees. She commented on the staff recommendations as follows:

1. The setbacks for the development shall be 25 feet from the private street, 6 feet on the side, 25 feet in the rear and 50 feet from the ordinary high water mark.
2. Easement areas need to be expanded.
3. Homeowners association documents must be submitted and must indicate the maintenance responsibilities of the retaining wall, driveways, street, open spaces, etc.
4. Change Outlots to easement areas.
5. Address accessibility to the ponding area for future maintenance.
6. A subdivider's agreement must be executed prior to final plat.
7. All fees are due as prescribed in the report.
8. Future divisions for twin homes will be required through a separate process (lot split application).
9. Wetland delineation report must be submitted.

Ms. Otteson commented on the possibility of language in the association documents noting the noise and smell across the river.

Brian Burgess, property owner, stated they have discussed those issues.

Ms. Wischnack stated that will be included in the subdivision agreement to alleviate potential problems.

Mr. Flaata mentioned the stormwater ponds and the mosquito problems. Ms. Wischnack stated the City Engineer is working on the problem possibility with the use of pellets.

Paul Otto, Otto and Assoc., stated the easement notation can be changed.

Mr. Burgess stated accessibility to the ponds could be along the southern property line. Mr. Otto stated there could be a 15 foot easement along the southern property line to permit access to the pond. Ms. Wischnack stated there must be documentation in the agreement so home owners do not plant in the easement.

Dennis Boncquet, 1355 Jefferson St., stated he has no problem with the development but had a question on the pond. He questioned the need for a pond with wetlands already on the property.

Mr. Otto explained stormwater ponds are required by the State and must retain post development rate to predevelopment rate. A pond will slow down runoff and will contain salt, sand, fertilizer and treat the area.

Mr. Boncquet asked if a pond would destroy the wetland. Mr. Otto explained the pond will not impact the wetland.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 7:50 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations adding the 15 foot easement along the south property line and verbage in the agreement regarding the compost facility across the river. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held June 22, 2004 in the Council Chambers at 5:30 p.m.

i) **CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY PAUL BETKER TO ALLOW FOR AN ACCESSORY USE WITHOUT A PRIMARY STRUCTURE ON PROPERTY LOCATED AT 849 – 2ND AVE S.W.**

Chairman Kirchoff opened the hearing at 7:54 p.m. with the reading of publication #7209 as published in the Hutchinson Leader on June 3, 2004.

Ms Wischnack commented on the application to repair a dilapidated structure. The potential property owner is requesting to turn the structure to an accessory storage building. She explained the code requires a principal building on a lot or a conditional use permit must be requested. Ms. Wischnack explained the building official has inspected the building and his opinion is the building can be used as an accessory building when repaired. She commented on the following staff recommendations:

1. The shell may be used for a garage structure only. It may not be converted to a home or attached to a home.
2. The applicant must submit specific information about construction, prior to issuance of a building permit.
3. It is anticipated that this conditional use permit would transfer to a new owner.
4. The conditional use permit shall expire 6 months from the date of the resolution, unless an extension is requested.
5. No lakeshore alterations may be made, unless further reviews and approvals are conducted.

Ms. Wischnack stated staff has received numerous calls regarding the request from neighboring property owners.

Ms. Otteson stated she has received 3 calls on this item.

Paul Betker, property owner, explained the existing structure needs a new roof. The building is a hazard and fixing it up will enhance the property. He stated he is not changing the building just fixing it up and the new owner will use it for tool storage. The open foundation will remain as is.

Discussion followed on the issue of the unsafe property. Atty. Seboria stated if allowed to refurbish the issues will go away. He stated the larger issue in the stand alone accessory building needs a time table as to how the primary and accessory structures will affect the neighboring property owners.

Mr. Betker stated the structure will remain after the primary building is constructed.

Mr. Haugen stated they should be allowed to maintain the structure.

Ms. Wischnack stated the hazardous building will be dealt with by the City Attorney. She explained there have not been many calls over the years. Mr. Betker has always responded when called by the City.

Mr. Flaata asked if there is usually a timeline with a request like this.

Ms. Wischnack stated it is not required in the code to have a timeline.

Mr. Christensen, 945 – 2nd Ave. SW., commented on his concerns. He stated the building is 5.5 feet from his property line and 6 feet would be required today. He is overall concerned with drainage issues. He stated he talked to the buyer and they stated it could be 5 years before a home was built. He stated the buyer intends on improving the property not remove the structure. Mr. Christensen stated he is concerned with the size of structure in the front yard and the drainage. He would like to see the structure removed. There needs to be clarification as to the longevity of the structure. Chairman Kirchoff asked if he were talking for the entire neighborhood. Mr. Christensen stated he is reiterating calls he has received.

Jill Smith, 841 – 2nd Ave SW, commented on her concern with the vacant house. She explained the neighbors have taken care of the property. They have removed the debris that others left on the property. She stated their house is 18 inches from the property line and in the winter the snowmobiles are disturbing. She explained she would like a house on the property with neighbors so others would stay off the lot. Ms. Smith commented on storage buildings available for rent and that there is mold in the existing building.

Chairman Kirchoff asked how long the building has been owned by Mr. Betker. Mr. Betker stated around 10 years.

Tim Smith, 841-2nd Ave. SW, stated the property harbors rodents which have moved onto their property. He has called the weed inspector over the years. He explained that he was told, by the previous inspector, where a house could be placed. He has concerns with the timeline to build a home and the accessory use being place in the front yard. He stated a house would improve the property. Mr. Smith commented on the narrow driveway up to the property line.

Mr. Currimbhoy stated it is positive that the building will be improved.

Carl Hoefft, 945 – 2nd Ave. SW, explained the lot doesn't affect his property however his main concern is with the foundation which should be inspected for safety. He would also like to see a timeline for the main structure.

Mr. Betker stated he would sell the lot to the neighbors. He distributed a house plan that would fit on the lot. He explained nothing would change with the drainage.

Randy Redman stated fixing the garage is a positive step in the right direction and it is fair to give a timeline for the primary structure.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 8:35 p.m. Mr. Flaata made a motion to table the request until the property owner returns with a timeline. The motion failed for lack of a second. Ms. Otteson made a motion to deny the request. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held June 22, 2004 in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

a) DISCUSSION OF COMPOST SITE WITH STEVE MADSON

Ms. Wischnack explained the reason for the discussion to update the Planning Commission on the future of the compost site.

Steve Madson, Creekside Compost, commented on the procedure to remove the approximately 20,000 ton of leaves on the HATS facility property along Adams St. He explained they are using a new debagger to alleviate the problem. They are working 24 hours a day and hope to have the leaves debagged in two weeks. The rain does hamper the progress. He commented on the future for Creekside. They are looking for an alternate location in the County away from main roadways for the storage of the leaves brought in from Minneapolis. The process will be changing as the leaves come in to the City. Mr. Madson stated they have offered an incentive to Minneapolis to use biodegradable bags. He stated the City needs raw materials to expand the operation. He reported 20,000 ton will produce 1.4 million bags. He stated 150,000 bags were sold in 2003 and so far in 2004 a total of 800,000 bags have been sold. He is working for better management of the materials. Debaggging is labor intensive.

Discussion followed on the odor at the compost site. Mr. Madson stated leaves are not the odor it is the green material that comes in.

Ms. Wischnack stated when the Conditional Use Permit was granted to the HATS facility several years ago for outdoor storage. They did not

envision this use on the property at that time. She explained the Conditional Use Permit could be amended.

Mr. Madson stated they do not intend to use this area again.

Discussion followed on the disposal of the bags. Mr. Madson stated presently they go to the landfill eventually the bags will go to a company that uses them in yard furniture.

5. OLD BUSINESS

None

6. COMMUNICATION FROM STAFF

7. ADJOURNMENT

There being no further the meeting adjourned at 9:00 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, July 20, 2004
Hutchinson City Council Chambers

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

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

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated June 15, 2004

Mr. Haugen moved to approve the minutes of June 15, 2004 as submitted. Seconded by Ms. Otteson. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) RECONSIDERATION OF A **PRELIMINARY PLAT** TO BE KNOWN AS WELCOME TO OUR HOME SECOND ADDITION, VACATION OF UTILITY AND DRAINAGE EASEMENTS, REZONING FROM R-1 TO R-4 AND PLANNED DEVELOPMENT DISTRICT TO ALLOW FOR CONSTRUCTION OF A 2 STORY 50 UNIT CATERED LIVING COMMUNITY FOR SENIORS LOCATED OFF CENTURY AVENUE.

Chairman Kirchoff opened the hearing at 5:32 p.m. with the reading of publication #7207 as published in the Hutchinson Leader on June 3, 2004.

Ms. Wischnack discussed the revised site plan. Discussion of how new access to the facility and a new parking lot would work with the site. Ms. Wischnack stated that the new access would work well. It would provide another entrance for emergency vehicles if they were ever needed. The parking lot would need to provide 25 parking spaces to meet requirements. A Commissioner questioned if this would be enough parking. The Developer explained that the facility is going to have assisted living services categorizing the facility as catered living instead of independent living. The Developer stated that usually residents of an assisted living facility do not drive very much and many do not drive at all but the option to have space for their car if they chose to bring it with them to the facility would be available. This parking area would be parking spaces; no garage is included in this plan. Ms. Wischnack stated the parking is appropriate for this development and that there is no

requirement for enclosed garages. She also stated that there would be room to develop more parking if needed.

There were 13 staff recommendations on the staff report. Ms. Wischnack commented on the following staff recommendations:

#3. Provide a joint landscaping plan prior permit issuance. The plan must also be approved by the City Forester and installed no later than June 1, 2005.

#4. Additional drainage and utility easements should be dedicated around the ponding area, along existing street area (to capture sewer and water lines).

#7. The parking lot must be paved no later than June 1, 2005 (this will be a late in year construction: therefore anticipation of weather constraints should be considered).

#12. Garbage dumpsters must be enclosed.

There were questions about the purpose of the link between the buildings among the Commissioners. The Developer stated that the intention is to make it easier to provide services. The buildings would be linked through an enclosed hallway. A Commissioner noted that currently the same person owns the properties, but that may not be the case in the future. The future of a community center located on the property is still an issue.

Ms. Wischnack stated that there will be access to both facilities for emergency purposes; the fire hydrants must stay where they are but there is still plenty of room for access.

Mr. Currimbhoy asked if there had been any community meetings. Ms. Wischnack stated that there had been one last Tuesday and that it had gone well. Many topics were covered and there were good discussions between community members and the developers.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Hantge the hearing closed at 5:55 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen, the motion carried unanimously. Ms. Wischnack stated this item would be placed on the City Council agenda at their meeting on July 27, 2004 at the Events Center at 5:30 p.m.

- b) CONSIDERATION OF **VARIANCE** TO REDUCE FRONT YARD SETBACK FROM 25 FEET TO 12 FEET TO REMOVE EXISTING NONCONFORMING PORCH AND REPLACE WITH 16' X 24' ADDITION LOCATED AT 544 PROSPECT ST. REQUESTED BY MARK RADKE, PROPERTY OWNER

Chairman Kirchoff opened the hearing at 5:56 p.m. with the reading of publication #7227 as published in the Hutchinson Leader on July 8, 2004.

Ms. Wischnak reviewed the request for a variance that would reduce Mr. Radke's front yard set back by 13 ft. The home was built in the 1940's before there were zoning laws in place and the large boulevard creating a hardship. This home is currently in line with other homes along the same block. If approved this addition will protrude 6 ft beyond other homes. Mr. Radke also stated that the entire home would be resided at the time of construction.

Mr. Hantge asked if the rooflines would match others along the block. Mr. Radke explained that there would be dormers placed on each side of the home. Ms. Otteson then asked if there have been any complaints. Ms. Wischnak stated that there were no complaints.

A split decision among staff resulted in the majority of staff voting to approve the request due to the hardship of the home. Staff recommended approval for this request with the following recommendations:

1. Relocation of electric and natural gas services (or other utilities)
2. Verify location of the water curb stop. The building must not be placed over the curb stop.
3. The house must not protrude farther than the presented plan (dated June 28th, 2002)

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 6:05 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Otteson, the motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held, July 27, 2004 in the Events Center at 5:30 p.m.

c) **CONSIDERATION OF A LOT SPLIT AND VARIANCE LOCATED AT 105-4TH AVE NW REQUESTED BY LEANN AND LOREN ANDERSON, PROPERTY OWNERS**

Chairman Kirchoff opened the hearing at 6:05 p.m. with the reading of publication #7228 as published in the Hutchinson Leader on July 8, 2004.

This is an unusual situation where two single-family residential homes were built on the same lot. Staff discussed the access management and the future use of the area. In the comprehensive plan, the future for this area is listed as commercial. Staff would recommend approving the lot split and variance due to the hardship of having two structures occupying the same lot with the following recommendations:

1. That if there was reconstruction of any garage or change of driveway location that shared access, from Highway 7, should be

considered. If there is a possibility, a road access from Glen Street may also be feasible.

2. The variance that would be issued for this property would only involve the lot side, width, and depth. The variance does not include future additions or expansions to garage areas.
3. The property is within the State Highway 7 project. Notification concerning the project should be provided to any potential buyers of the property.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:11 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Hantge, the motion carried unanimously. Ms. Wischnack stated this item would be placed on the City Council agenda at their meeting held July 27, 2004 in the Events Center at 5:30 p.m.

4. NEW BUSINESS

Ms. Wischnak asked the Board for a timeline for the final plat on the new sewer line going in on 12th Avenue. The Board decided to hold a special meeting on August 3rd, 2004 at 5:30 in the Council Chambers at City Center. This meeting's purpose is to review a final plat for the new sewer line to go in on 12th Avenue and if it is ready, to review the final plat for the Oaks.

5. OLD BUSINESS

None

6. COMMUNICATION FROM STAFF

- a) Ms. Wischnack stated that the Police Garage is not all done but it is looking good and that it lines up nicely with the other homes.
- b) There was a Habitat for Humanity update stating that there is grading to take place for one of their homes to be built.
- c) Farr Development will be taking a group to Maple Grove to look at Senior Housing on Monday May 26th, 2004.
- d) Jefferson Street pavement is looking good and Southwind has their permits.
- e) There will be a Highway 7 Coalition meeting on July 28th at City Center regarding roundabouts in the Mayer area. John Rodeberg noted that safety is a concern, which is why the Coalition is looking at possible solutions that would keep safety as priority but would also keep traffic moving. Robert Hantge is concerned that the through traffic that would have to slow down for a traffic signal or roundabout on Highway 7, he thought it may cause more harm than good.

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- f) There will be a second meeting with Hassan Valley on Friday July 23rd about the City of Hutchinson's annexation. The meeting will mainly discuss compost issues that may result from the annexation.
- g) Mr. Hantge asked about Creekside and the cleanup. Ms. Wischnack believes that they are making progress but there is still more cleanup to be done. Ms. Wischnack also noted that they will not be using the site for storage any longer.
- h) Mr. Hantge stated that he would like an attendance list of staff at the staff meeting. Also, a tally of who and how they voted in cases of a split vote on an issue. Discussion followed regarding the split decision votes by staff and the request to know who and why when there are descending votes. Ms. Wischnack explained the attendance of staff the opinions collected from staff before writing the report. She stated we could do a tally system if that is the wishes of the planning commission.

Mr. Hantge moved to get more detailed information of staff recommendations presented. List who was there and which way they voted. Seconded by Brandon Fraser. The motion carried unanimously.

7. ADJOURNMENT

There being no further the meeting adjourned at 6:35 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, August 3, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy, Robert Hantge (5:45 p.m.) and Chairman Kirchoff. Absent: Also present: Julie Wischnack, AICP, Planning Director, Kent Exner, S.E.H./City Engineer Assistance and Bonnie Baumetz, Planning Coordinator

2. NEW BUSINESS

a) **CONSIDERATION OF A 3 LOT FINAL PLAT TO BE KNOWN AS MEADOWLINKS VIEW SUBMITTED BY BUTCH HAUSLADEN**

Ms. Wischnack commented on the request and explained the location of the parcel. The parcel is to be divided into 3 lots. She explained the easements in lot two must be maintained. There are many services in the easement. She commented that the sewer contract has been awarded. Ms. Wischnack commented on the following staff recommendations:

1. The applicant should submit mylar copies of the plat as soon as possible to expedite the filing of the plat at the County.
2. The applicant is required to pay taxes for the entire year; prior to filing of the plat.
3. A building permit (footing and foundation) could be issued after the filing of the final plat. A full permit could be issued when the sewer is tested and approved by the City.

Mr. Hausladen stated in the future he might move the services and vacate the easement across Lot 2. He stated he does not anticipate a large shed on the property. Discussion followed noting a recommendation #4 as moving of services will be at property owner's expense.

Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held August 10, 2004 in the Council Chambers at 5:30 p.m.

b) **CONSIDERATION OF A 2 LOT FINAL PLAT TO BE KNOWN AS WELCOME TO OUR HOME SECOND ADDITION SUBMITTED BY DEAN BLOEMKE AND DALE TAUER**

Ms. Wischnack commented on the request for a final plat to expedite the building process. She explained the vacation and rededication of the easements. She commented on the recommendations of staff as follows:

1. Services for water and sewer shall be abandoned, as described in the report.
The applicants are aware of this and should be communicating this to their contractor during construction.
2. Utility line abandonment, relocation, or rebuilding costs would be paid by the applicant.
A one-stop-shop should be held prior to construction, to better delineate the time frame.
3. Provide a joint landscaping plan prior permit issuance. The plan must also be approved by the City Forester and installed no later than June 1, 2005.
The developers have turned in a plan. The City is awaiting a joint letter signed by the property owners which documents who is responsible for what portion of the grading and planting.
4. Additional drainage and utility easements should be dedicated around the ponding area, along existing street area (to capture sewer and water lines).
This has been added to the plat.
5. A drive easement document shall be provided.
The driveway easement shows up on the final plat; however, Staff would request that the developer discuss with the County whether than can be done. The City is not in need of a driveway easement, the two owners are granting each other rights to the access easement. The actual agreement between the owners has not been received.
6. In the case the existing home is moved off of the site, the CUP is considered and approved. However, the movement of the structure would require route information and a moving permit.
The applicant or mover must apply for a moving permit.
7. The parking lot must be paved no later than June 1, 2005 (this will be a late in year construction; therefore anticipation of weather constraints should be considered).
The applicant is aware of this requirement.
8. The pond capacity calculations with this site plan should be resubmitted and approved by the City Engineer.
The engineer's review is attached.
9. The retaining wall on the north end of the property may not be located within an easement area.
The retaining wall has been removed from the plan.
10. The setbacks for the building shall be 35 feet on all sides (excluding future link).
Noted.
11. The connection between the buildings must meet all applicable code requirements (fire code, building code, etc.) and should be further reviewed by staff at the time of actual construction.
Noted.
12. Garbage dumpsters must be enclosed.
Have provided location on the northern portion of the property.
13. The fees would be collected at the time of building permit.
Noted.

Other Conditions of Final Plat:

14. **All taxes must be paid prior to the filing of the final plat.**
15. **Mylars should be produced and provided to the City for signature.**

Ms. Wischnack stated another one-stop shop will be scheduled prior to construction. She explained there must be a landscaping agreement in writing between the property owner to the west and Welcome to Our Home.

Mr. Exner commented on the drainage of the property. He stated the drainage will be to the west even if the project does not go through.

Discussion followed on the documentation of the landscaping plan.

Mr. Exner commented on the holding pond inlets and the clarification of the hydraulics of the pond out letting.

Mr. Bloemke stated a maintenance agreement will be included in the total agreement with the Board of Social Ministries. He explained they are aware of the agreements needed.

Ms. Wischnack commented on the street lights on Black Hawk Court now that the street will be private. She stated if the developer wants the street lights removed it will be at the property owner's expense. Discussion followed regarding who is responsible for the electric usage of the lights. Mr. Tauer stated the lights can be connected to the building meter.

Mr. Hantge made a motion to recommend approval of the request with staff recommendations adding street light removal is at property owner's expense and a maintenance agreement is required regarding the pond. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held August 10, 2004 in the Council Chambers at 5:30 p.m.

3. OLD BUSINESS

Ms. Wischnack updated the Planning Commissioners on the reaction of planning staff regarding the tallying of votes at staff meetings explaining they are not in support of the request by the Planning Commission. Mr. Hantge stated there could be procedures in place to track staff votes and input. Discussion followed on the request by the Planning Commission. Chairman Kirchoff stated he will discuss the options with the City Attorney. Ms. Wischnack stated the staff takes direction from the City Administrator. Chairman Kirchoff stated he will contact the City Administrator.

4. COMMUNICATION FROM STAFF

Ms. Wischnack commented on the proposal by Farr Development and stated they will submit a preliminary plat possibly in September.

5. ADJOURNMENT

There being no further the meeting adjourned at 6:15 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, August 17, 2004
Hutchinson City Council Chambers

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

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

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated July 20, 2004, and August 3, 2004.

Mr. Currimbhoy moved to approve the minutes of July 20, 2004 and August 3, 2004 as submitted. Seconded by Mr. Haugen. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **PRELIMINARY PLAT** TO BE KNOWN AS SUMMERSET THIRD ADDTION **AND REZONING** FROM R3 TO R2 SUBMITTED BY ARNIE ESTERBROOKS, ROLLING GREENS INC.

Chairman Kirchoff opened the hearing at 5:40 p.m. with the reading of publication #7242 as published in the Hutchinson Leader on August 5, 2004.

Ms. Wischnack commented on the previous phases of platting the Summerset development. She stated this is the third and final phase which is a revision of the preliminary plat. There will be less lots created in the revised plat. She explained the developer is asking to down zone the property to R2 from R3. She commented on the ponding. Outlot D will be the pond area and combine with the Menard's pond. The Farr Development site will make up the 3rd tier of the pond creating a regional type pond. She commented on the public streets and the fees associated with the plat and the bond or letter of credit equal to 100% of the project cost. The City also collects a 7% cash escrow from the developer prior to construction. There is a tree escrow required equal to 2 trees per lot. All items are due prior to commencement of construction.

Ms. Wischnack commented on the following staff recommendations:

1. Remove Lot 11 from the plat, and adjust the plat accordingly.

2. Subdividers agreement must be executed prior to filing of the final plat.
3. All fees as identified above are required prior to commencement of construction.
4. Any relocation of utilities are the applicant's responsibility.
5. Add trail connection on Denver Avenue.
6. Rename United Street to some North American City between "D" and "E".
7. Revise plans as provided in the Engineer's comments of August 2, 2004.

Discussion followed on Lot 11. Ms. Wischnack stated there is a trail across the lot. She explained there is a water and sewer service to the lot. Paul Otto, Otto and Associates, explained the original plat had a plan for twin homes which was approved. The new lot will be for a single family dwelling.

Mr. Esterbrooks, property owner, stated he agrees with the staff recommendations except for removing Lot 11. He stated the revised plat has 18% fewer lots than previously platted. He stated he accommodated the City with the pond problems and stated it is fair to keep the lot. Mr. Rodeberg commented on the pond problem and explained the correction. He stated he does not have a problem with leaving in Lot 11.

Mr. Fraser made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 5:53 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations excluding number 1. Seconded by Mr. Hantge. Discussion followed on the repair of the trail when Lot 11 is developed. Ms. Wischnack stated there will be a requirement on the building permit to repair the trail. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held August 24, 2004 in the Council Chambers at 5:30 p.m.

b) **CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY JIM HEIKES TO CHANGE USE IN THE GATEWAY DISTRICT**

Chairman Kirchoff opened the hearing at 5:55 p.m. with the reading of publication #7243 as published in the Hutchinson Leader on August 5, 2004.

Ms. Baumetz commented on the request and explained the requirement of the Gateway District for a Conditional Use Permit on all uses in the district. Discussion followed if this is a change of use. Ms. Baumetz stated this area of the building is vacant and the prior use was in existence before the property was annexed to the City.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 6:30 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Baumetz

stated this item will be placed on the City Council consent agenda at their meeting held August 24, 2004 in the Council Chambers at 5:30 p.m.

- c) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY CROW RIVER BUILDERS TO CONSTRUCT A POLE TYPE BUILDING IN THE C4 DISTRICT AND MODIFY THE ACCESS MANAGEMENT GUIDELINES LOCATED AT 1135 HWY 7 W

4. **NEW BUSINESS**

- a) CONSIDERATION OF 7 LOT **FINAL PLAT** TO BE KNOWN AS KOTTKE COURT SUBMITTED BY BRIAN BURGESS AND WESLEY FOSS

Ms. Wischnack commented on previous review of the sketch plan and preliminary plat. She stated this is the final step of review for Kottke Court submitted by Brian Burgess. She explained drainage of the area has been a concern of staff. She commented on the discussion of a retaining wall and fence at the steep grades. She reviewed staff recommendations as follows:

1. The setbacks for the development shall be 25 feet from the private street, 6 feet on the side, 25 feet in the rear and 50 feet from the ordinary high water mark.
Noted in the PUD approval documents
2. Easement areas need to be expanded.
Plat has been revised to add easement areas
3. Homeowners association documents must be submitted and must indicate the maintenance responsibilities of the retaining wall, driveways, street, open spaces, etc.
Have not received, to date.
4. Change Outlots to easement areas.
Has been changed to a lot which will be owned in common with easement areas.
5. Address accessibility to the ponding area for future maintenance.
Has been reviewed by the City Engineer and Applicants Engineer. There will be two available points of access for the ponding area.
6. A subdivider's agreement must be executed prior to final plat.
This will be executed and filed concurrently with the final plat.
7. All fees are due as prescribed in the report.
Noted.
8. Future divisions for twin homes will be required through a separate process (lot split application).
Noted.
9. Wetland delineation report must be submitted.
Completed.

Ms. Wischnack commented on the Restrictive Covenants for the plat stating the draft looks good and she will expand on the document before approval.

Mr. Rodeberg explained the possibility of the City receiving parkland dedication across the river instead of a contribution.

Gary Abram, 1385 Jefferson St. SE, questioned the placement of the blacktopped driveway and the drainage. Paul Otto, Otto and Associates, explained the water will be directed to flow to the north to the stormsewer and into the pond. He commented on the proposed drainage and stated the driveway will not have curb and gutter but the cul de sac will. The driveway will drain to the middle of the driveway. The intent is to pull the water to the storm sewer.

Ms. Wischnack stated the covenants should address snow storage and parking on the cul de sac. Discussion followed on the rear yard setback of 25 feet.

Mr. Otto stated this is a challenging site which is tight.

Discussion followed on the type of homes to be constructed on the lots. The homes are anticipated to be single story twin homes. There was discussion on the maintenance agreement review. Mr. Otto explained how to ensure the agreement is completed.

Richard Desens, property owner to the north of the plat, commented on his concerns with the height of the retaining wall proposed on the north property line and asked for a safety fence of some type.

Ms. Wischnack stated the wall is seven feet at one point and a fence would be appropriate.

Mr. Burgess stated he will follow the drainage plan to make the property better than it is presently. He stated the size of the homes is available. He does agree and will consider a fence along the northern retaining wall for safety. He explained there will be a mix of age groups living in the development.

Mr. Fraser made a motion to approve the final plat with the items discussed for the covenants being completed to staff satisfaction and including a safety fence on the northern retaining wall. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated the item will be placed on the City Council regular agenda at 5:30 p.m. on August 24, 2004. She stated a copy of the covenants will be distributed to the Planning Commissioners when revised.

5. OLD BUSINESS

6. COMMUNICATION FROM STAFF

Ms. Wischnack stated the APA Conference will be held in Alexandria again this year and if any Commissioners wish to go let staff know to get signed up. Mr. Hantge will be a presenter at one of the work sessions.

7. ADJOURNMENT

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

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, September 21, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Dean Kirchoff at 5:35 p.m. with the following members present: Brandon Fraser, Jim Haugen, Lynn Otteson, Mike Flaata, Robert Hantge and Chairman Kirchoff. Absent: Farid Currimbhoy Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney, John Rodeberg, Director of Public Works and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated August 17, 2004

Mr. Haugen moved to approve the minutes of August 17, 2004 as submitted. Seconded by Mr. Flaata. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY STEVEN BROWN TO REPLACE EXISTING NON-CONFORMING GARAGE WITH A 26'X28' GARAGE 3 FEET FROM THE PROPERTY LINE LOCATED AT 616 BROWN ST. SW THE GARAGE WILL ALSO COVER 26% OF THE REAR YARD

Chairman Kirchoff opened the hearing at 5:37 p.m. with the reading of publication #7254 as published in the Hutchinson Leader on September 9, 2004.

Ms Wischnack explained the code when replacing an existing non-conforming garage. She stated the proposed garage is to be located near the same area of the existing garage. She commented on the request and the height requirement for accessory building not to exceed 16 feet. The existing garage is deteriorating. She commented on the following staff recommendations:

1. Agreement to the drainage plan must be received, in writing.
2. The building must have gutters installed to direct drainage away from adjoining property lines or be connected into the tile line.
3. Verify height of the garage. **(Has been completed)**
4. No livable space is allowed in the garage.

5. Relocation or removal of utility lines will be at owner's expense.
6. Provide a detailed elevation plan of the garage.
7. Firewalls are required on structures constructed 3' from the property line.

Discussion followed on the requirement for firewalls on the west side of the building only.

Mr. Rodeberg commented on staff concerns with the drainage in the area. He explained the existing catch basin was probably put in by the City several years ago. He stated there have been various additions to this lot over the years and drainage problems are causing wash out of the alley. He explained he doesn't want to penalize the property owner however drainage is an issue. One option is to pave a swale in the alley.

Mr. Haugen asked to define livable space. Does it mean habitable.

Ms. Wischnack explained apartments are not allowed in the accessory building.

Discussion followed on the extent of rear lot coverage and the cost for the property owner to put in a catch basin.

Mr. Hantge commented on his concerns with the drain tile requirement. He stated it could become a hardship for property owners to put in drainage tile. He likes the idea of paving the alley.

Mr. Rodeberg commented on the City paving alleys. He stated small tile lines are not a good or lasting solution. He explained paving costs approximately \$70-\$80 per foot and a swale would be less costly. One option would be for the property owner to pay for the materials and the City would provide the labor. Ms. Wischnack commented on other drainage issues in the City because of lot coverage. Mr. Flaata stated this alley does not seem to have a lot of drainage problem.

Mr. Rodeberg stated the City could privatize alleys.

Discussion followed on paving and tiling systems.

Mr. Fraser asked if recommendation number 1 is exactly what the staff wants.

Steven Brown, 616 Brown, commented on the lot coverage and the fact the existing drainage will not change from what it is now. He stated he will be improving the property and it seems like an extra tax to make him pay for the paving of the alley. He commented adding a catch basin to the alley is not desirable for the neighbors living near them. He again explained he is not changing the lot coverage greatly from the present coverage.

Ms. Otteson asked Mr. Brown's time frame.

Mr. Brown stated he would like to begin this Fall and complete by December.

Ms. Wischnack stated the drainage issue should be resolved before City Council action. Mr. Rodeberg explained staff is trying to provide an equitable solution and would agree with the Planning Commission directing staff to come up with a solution before City Council.

Mr. Hantge made a motion to close the hearing. Seconded by Ms. Otteson, the hearing closed at 6:05 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations changing number 1 to read: Staff and property owner will develop and agree to a drainage plan agreement prior to City council action and omit number 3 which is completed. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council agenda at their meeting held September 28, 2004 in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

a) CONSIDERATION OF FINAL PLAT TO BE KNOWN AS COMMUNITY OF LAKERIDGE SUBMITTED BY CHUCK AND BRET ANDERSON

Ms. Wischnack updated the Commission on the platting process of condo platting and explained you can not dedicate drainage and utility easements on the CIC plat. The plat tonight is to dedicate drainage and utility easements.

Mr. Fraser made a motion to recommend approval of the request. Seconded by Ms. Otteson. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held September 27, 2004 in the Council Chambers at 5:30 p.m.

5. OLD BUSINESS

Mr. Flaata asked about the storage of leaves at the HATS facility. Mr. Rodeberg stated there will not be leaves stored there in the future. Ms. Wischnack commented on possible options and sites.

6. COMMUNICATION FROM STAFF

a) PRESENTATION BY TOM KLOSS, INFORMATION SERVICES DIRECTOR, OF THE NEW AERIAL PHOTOGRAPHY CAPABILITIES

Mr. Kloss updated the Planning Commissioners on the new aerial photography of the city and showed them how the City staff will be able to use the new technology in their decision making process.

b) INFORMATION REGARDING ORDERLY ANNEXATION

Ms. Wischnack explained the process of orderly annexation and introducing the possibility to the townships. She stated feedback is important. This is an important issue to townships. Workshops would be held with the township officials and residents to explain the importance for long range planning.

c) UPDATE ON THE STRITESKY PROPERTY

Ms. Wischnack updated the Commissioners on the orderly annexation with Hassan Valley Township to annex the Stritesky property now being purchased by the Hutchinson EDA.

d) ANNUAL PLANNING CONFERENCE – Three Planning Commissioners will be attending the conference along with Ms. Wischnack and Ms. Baumetz.

e) Special meeting – A special meeting of the Planning Commission will be held on Monday, September 27, 2004, to consider a variance request.

7. ADJOURNMENT

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

**MINUTES – SPECIAL MEETING
HUTCHINSON PLANNING COMMISSION
Monday, September 27, 2004
Hutchinson City Council Chambers**

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

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

2. PUBLIC HEARINGS

- a) CONSIDERATION OF **VARIANCE** REQUESTED BY MARK SCHIERMAN AND MARK GIRARD TO REDUCE DRIVEWAY SETBACK TO CONSTRUCT A SHARED DRIVEWAY LOCATED AT 1020/1030 GOLF COURSE RD

Chairman Kirchoff opened the hearing at 5:30 p.m. with the reading of publication # 7255 as published in the Hutchinson Leader on September 16, 2004.

Ms. Wischnack began by reviewing the zoning history of this property. In January of 2004, this property was split into two lots. At that time, one of the staff development conditions was to apply for a variance from the driveway setback requirement of 5 feet when the owners were ready to proceed. Along with the variance application, staff asked that a driveway maintenance document and easement be included. Staff development conditions also stated that the driveway must allow for fire access turn around space.

Ms. Wischnack presented the sketch and easements descriptions for the Board to review. Following the review of the sketch Ms. Wischnack presented the following staff development conditions:

1. The extension of a driveway will include provisions for a hydrant area, to serve fire protection needs.
2. If the driveway agreement changes, the City files should be kept up-to-date.
3. The driveway area that is "shared" must be located within the surveyed easement, as identified on the drawing dated September 10, 2004.
4. The sewer line and water line constructions should be documented with a drawing, after construction and be submitted to the City.
5. Drainage along Golf Course Road cannot be interrupted.

Ms. Wischnack stated that with above conditions staff would recommend approval of the variance noting the benefit of one access onto Golf Course Road.

It was noted by Ms. Wischnack that the driveway would be shared right on the property line and that this is the best opportunity for the property. The utilities will be reviewed before the easement is issued and it was mentioned under condition #3 to make sure that the contractor will be within the easement area.

Ms. Otteson asked how does one enforce condition #2 of keeping the City files up-to-date? Ms. Wischnack's response was that typically driveway agreements do not change, however they are not required by law to update them so this could be difficult to monitor. However, by stating in the conditions that these files need to be kept up-to-date if an issue should arise it serves as a "safeguard" for the Board and is noted in the variance of the driveway agreement for future reference.

Discussion took place about the location and placement of the fire hydrant and fire access. It was noted that moving the fire hydrant will be at the property owners expense.

Also discussed were services going to the property as far as utilities and sewer. Mr. Girard explained that the utilities would run along side the driveway and the sewer would be just off of the driveway.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 5:48 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item would be placed on the City Council agenda at their meeting held September 28th, 2004 in the Council Chambers at 5:30 p.m.

3. COMMUNICATION FROM STAFF

a) DISCUSSION OF AMENDMENT TO ZONING ORDINANCE REGARDING LOT COVERAGE OF TWIN HOME LOTS

Ms. Wischnack began by stating that the current zoning ordinance places a maximum of 35% lot coverage for twin homes. Specifically referring to a current issue with the Southwind plat having too much building covering the lot due to covered porches.

Discussion took place about what was and what was not included in calculating lot coverage. Ms. Wischnack noted that usually all that is counted in the calculation of lot coverage is the foundation plan, but that covered porches are included in this. Items that are not included in lot coverage calculations are decks, overhangs, driveways, and sidewalks because the ordinance does not define these items.

Staff gave three possible options for amending this zoning ordinance.

1. Deleting the ordinance in its entirety unless it would be required for all types residential development instead of singling out twin homes.
2. Delete the ordinance and then research other communities before developing a new ordinance.
3. Increasing the maximum allowed lot coverage.

A Board member asked if there were drainage issues involved with this zoning ordinance. Ms. Wischnack replied that the zoning ordinance does not affect drainage issues.

Ms. Wischnack stated that the next step for Southwind would be to apply for a variance. Discussion took place about previous variances issued for this zoning ordinance as well as the growing popularity of covered porches in the area. A Board member questioned how many variances have been issued for this zoning ordinance. Ms. Wischnack stated that in the last year there have been about five variances issued.

Ms. Otteson asked why does this ordinance only apply to twin homes? Ms. Wischnack did not know why but noted that throughout her experiences she has seen maximums of 25% lot coverage in environmentally conscious area and in some communities no regulation at all.

Mr. Hantge stated that he would like to see the ordinance replaced and not deleted. Other Board members agreed that the ordinance should be reviewed. Ms. Wischnack provided more information and a sample to illustrate how lot coverage is calculated. Mr. Haugen stated that he would like to have some research on how other communities calculate lot coverage. Ms. Wischnack will begin to research how other communities calculate lot coverage and bring her findings back to the Board.

4. ADJOURNMENT

There being no further the meeting adjourned at 6:00 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, October 19, 2004
Hutchinson City Council Chambers

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

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

2. APPROVAL OF MINUTES

- a) Consideration of Minutes of regular meeting dated September 21, 2004 and Special meeting dated September 27, 2004

Mr. Hantge moved to approve the minutes of September 21, 2004. The motion was seconded by Mr. Haugen. Mr. Hantge moved to amend the minutes of September 27, 2004, to show the hardship of the Schierman/Girard variance as driveway access safety to Golf Course Road. The hardship is to be stated on the findings of fact. Seconded by Mr. Flaata. The minutes were approved unanimously.

3. PUBLIC HEARINGS

- a) CONSIDERATION OF **PRELIMINARY PLAT TO BE KNOWN AS HUTCHINSON SENIOR CAMPUS, REZONING FROM R1 TO R4 AND C4 AND A PLANNED DEVELOPMENT DISTRICT** LOCATED ON HWY 15 SOUTH

Chairman Kirchoff opened the hearing at 5:36 p.m. with the reading of publication # 7259 as published in the Hutchinson Leader on October 7, 2004.

Ms. Wischnack stated the applicants will present the plan in detail. She explained the recommendation to table the request since this is the largest plat reviewed by the Planning Commission and the largest plat the City has reviewed in a long time.

Ben Schmidt, Farr Development, presented a power point presentation which gave the history of the company, gave the basis for the company to do the development in Hutchinson which included demographics, site selection and campus concept, introduced other Farr Development projects such as in Maple Grove, Austin and Robbinsdale. He explained

the site in Hutchinson would also include a student housing component for the non-traditional college student.

Mr. Schmidt commented on the entrance to the east as the focal point to the residential development and he explained the housing types within the project. He stated there will be a central town square with a possible 80 bed skilled nursing portion along with assisted and independent senior living. He explained there will be townhouses on the east side of the development. The stormwater pond will be a water focal point. He commented on the commercial portion of the development which could include a restaurant and convenience store. He stated they will not begin work until Spring but must have the financing piece in place prior to the start date.

Ms. Wischnack commented on the planned development district approach to modify roadway widths, setbacks and lot size. She stated the open space requirement has been met there is a total of 34% open space. The commercial portion has 26% and the residential 43%.

Ms. Wischnack explained the density of 21 units per acre and stated a planned development district allows 100% increase. She commented on the major components of the street configuration. Denver Avenue impacts Applebee's and Ridgewater College. Staff will meet with both entities regarding the street. Montreal Street will be privately constructed. She commented on the review received from MnDOT regarding Hwy 15 which included recommendations to close existing field and farm entrances on Hwy 15; the request for controlled access of the 45'X250' section and require a right-turn lane be built on Hwy 15 northbound lane at Denver Avenue at the developer's expense; The main entrance to Applebee's should be relocated to the east and the applicant must obtain a permit application before any work is performed along the state highway. She also explained the city is requesting a right-in/right-out access from/ to the gas station off Denver Avenue.

Ms. Wischnack stated parking is adequate. The stormwater management has been addressed. Landscaping and number of trees are adequate. The city would escrow for the trees up front and refund the remainder to the developer. She commented on the parkland dedication fees \$4,515.00 for the commercial area and \$135.00 per dwelling unit for the residential portion. This fee is collected with the building permit.

Ms. Wischnack explained a planned development district allows the Planning Commission to review the architecture of the development buildings. She stated we have not received the draft homeowners documents. She commented on the general fees for all developments. She reviewed the staff recommendations as follows:

1. Development phasing. How is the development going to be phased; in terms of construction, utilities, and roadways.
2. Identify the City's plan on how Denver Avenue will be constructed.

3. Obtain Applebee's perspective on the Denver Avenue design and reconfiguration of their entrance.
4. Have closure on tree planting responsibilities.
5. Obtain draft copies or outlines of how the homeowners' associations will operate.
6. Gain any additional comments on the architectural components from the Planning Commission.

Discussion followed on the architecture and the turret proposed. Ms. Wischnack stated the turret looks more Victorian than prairie. There was discussion of each building having its unique character.

Ms. Wischnack stated the Denver Avenue issues need to be worked out.

Mr. Schmidt commented on the recommendations explaining the phasing of the development beginning with the commercial portion. He stated the market will dictate the phasing somewhat but the plan is to begin construction of the residential portion from the center and build out in order to market the entire area. He addressed Denver Avenue and stated they agree to the right-in/right-out access to line up with Applebee's. He stated they are working with the City Forester and will continue to work with him. He stated he will give the city a draft homeowner's document used in other developments. Mr. Schmidt stated the turret is Victorian. He stated he is open to input on the architecture.

Discussion followed on each issue and consideration.

There was also discussion on the timelines for the college to deal with Denver Avenue which could be lengthy.

Mr. Flaata questioned .5 parking space requirement being enough. Ms. Wischnack stated they have shown additional parking. Mr. Schmidt stated parking is important and they have calculated one per unit underground parking and outside guest parking. The assisted living would be 1/3 space per unit underground. He stated the townhouses would require the same number of spaces regardless of age. He explained the 455 spaces does not include the underground garages.

Mr. Fraser asked if Denver Avenue construction would hold up the first retail phase. Ms. Wischnack explained one option is to complete Denver Ave. to Montreal St. the first year.

Mr. Hantge asked who is notified in a development this size? Ms. Wischnack explained property owners in a 350' radius from the property would be notified.

Discussion followed on the Montreal and Denver road extensions. The developers were given MnDot's response previously.

Mr. Schmidt stated the company is continuing talks with the hospital.

Discussion followed on the phasing of the project. Mr. Schmidt stated they anticipate a 4-5 year completion. Chairman Kirchoff asked about requirements to gain occupancy. Ms. Wischnack explained the requirements of water and sewer testing, accessibility, etc.

Mr. Schmidt stated they will work with the city on the Denver Avenue issues.

Mr. Fraser stated he does not see high-risk items to table the preliminary plat.

Mr. Hantge made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 6:40 p.m. Mr. Fraser made a motion to recommend approval of the request with the developer continuing to work out staff recommendations with the city and the items must be resolved before action of the final plat will be taken. Seconded by Mr. Hantge. The motion carried unanimously. Mr. Haugen made a motion to recommend approval of the rezoning and planned development district. Seconded by Ms. Otteson. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held October 26, 2004 in the Council Chambers at 5:30 p.m.

b) CONSIDERATION OF **VARIANCE** REQUESTED BY LEE STRITESKY TO ALLOW FOR THE CONSTRUCTION OF A 36'X24' GARAGE IN THE FRONT YARD LOCATED AT 1005 LEWIS AVE.

Chairman Kirchoff opened the hearing at 6:43 p.m. with the reading of publication # 7260 as published in the Hutchinson Leader on October 7, 2004.

Ms. Baumetz explained the request noting detached garages are not allowed in the front yards and require a variance. She explained the topography of the side and rear yard as the hardship. She commented on the following staff recommendations:

1. Moving of utilities will be at owner's expense.
2. Any water or sewer service line relocation, if necessary, will be at the owners expense.
3. City Forester will verify the tree is located as not to be damaged by the construction of the garage.
4. The drainage to the neighboring property may not be altered.
5. Garages must not be taller than 16 feet.
6. Detached garages may not be used entirely for home occupations.

Sarah Stritesky, property owner's daughter, commented on the recommendations and stated they would replace the tree that must be removed by the construction. She stated the garage would look similar to the existing house.

Discussion followed on previous similar requests.

George Dostal, 1014 Lewis Ave. S.W., voiced his concerns with the garage being placed in the front yard. Mr. Currimbhoy explained it would depend on the design.

Discussion followed on the type of structure. Ms. Wischnack explained it will be constructed into the hill as it was explained by Mr. Stritesky. She stated the Commissioners could require plantings.

Ms. Otteson stated there could be drainage issues and she would like to see plans and elevation drawings of the garage.

Paul Betker, contractor, stated the ground slopes in the area for drainage.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 7:00 p.m. Ms. Otteson made a motion to table the request until more drawings are provided. The motion failed for a lack of a second. Mr. Haugen moved to recommend approval of the request with staff recommendations noting the tree to be removed will be replace on the lot and with the additional recommendation to provide elevation drawings and the property owner must explain the appearance and design of the garage prior to the City Council meeting and provide additional screening on the south side. Also, noting the hardship as the topography of the lot. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held October 26 , 2004 in the Council Chambers at 5:30 p.m.

c) CONSIDERATION OF **VARIANCES** REQUESTED BY PAUL BETKER TO INCREASE TWIN HOME LOT COVERAGE ON TWO LOTS IN THE SOUTHWIND PLAT LOCATED AT 230/234 AND 245/249 OTTAWA AVE SE

Chairman Kirchoff opened the hearing at 7:05 p.m. with the reading of publication # 7261 as published in the Hutchinson Leader on October 7, 2004.

Ms. Wischnack commented on the request and explained the lot coverage and calculations. She stated there was much staff discussion on this item. She commented on the hardship of the lot sizes and the staff recommendations as follows:

1. Drainage around the units shall not be problematic in that swales, defined drainage areas or grading shall be used to assist in promoting positive drainage.
2. No additional structures shall be added to the property.
3. The site plans dated 9/16/04 and 9/22/04 shall be followed. Any alterations will need further review by the Planning Commission and City Council.

Discussion followed on the regulation for twinhomes only.

Mr. Betker, applicant, stated the calculations now include the covered porches which was not the case in the past. He commented on the percent of coverage for the entire site which would be 30%. He stated he would like to see the ordinance changed.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Hantge the hearing closed at 7:15 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations noting the hardship of the lot sizes. Seconded by Mr. Fraser. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held October 26, 2004 in the Council Chambers at 5:30 p.m.

d) CONSIDERATION OF A 27 LOT **PRELIMINARY AND FINAL PLAT** TO BE KNOWN AS BRIDGEWATER ESTATES THIRD ADDITION SUBMITTED BY GPS DICKINSON PROPRTIE

Chairman Kirchoff opened the hearing at 7:16 p.m. with the reading of publication # 7262 as published in the Hutchinson Leader on October 7, 2004.

Ms. Wischnack explained this was originally platted in 2000. She stated the surveyor has been in contact with staff. This is development of a portion of phase II and because of previous recommendations to disban Honey Tree Road and the fact the county will not allow three accesses onto South Grade Road the staff would ask to table the request. She did comment on the following recommendations:

1. The access of Willow Drive SW onto South Grade Rd must include a turn lane (same design as Roberts Street), and also is dependant on closing the Honey Tree Road access (Access Management and safety issues). There are possibilities of make a temporary road along 9th Avenue SW to Honey Tree Road, or have a temporary turn around for the street. In no case can South Grade have Roberts, Willow, and Honey Tree open at one time.
2. A temporary turnaround is required on the north end of Willow Drive SW. Easements should be indicated to accommodate the turn around.
3. There are continuing safety issues for people walking in the area. The City should consider a trail along the north side of South Grade Road up to the end of the plat in the next phase of construction.
4. Revised plat indicating: 6 foot easements, which are required along interior lot lines.
5. Reconfirmation of that the original grading plan has been met. (The entire site was graded with the Bridgewater Estates 2 utility construction.)

6. A subdivider's agreement must be executed and fees paid prior to construction.
7. Revise phasing plan to reflect new development plan.
8. Provide revised pad elevation and house types signed by new engineer (previously submitted by RLK Kuusisto).

Mr. Fraser made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 7:20 p.m. Ms. Otteson made a motion to table the request until staff recommendations items 1-8 are clarified. Seconded by Mr. Flaata. The motion carried unanimously.

4. NEW BUSINESS

a) DISCUSSION OF AMENDING ORDINANCE SECTION 8.04 REGARDING LOT COVERAGE ON TWO FAMILY LOTS

Ms. Wischnack explained the history of the ordinance and the use of Floor Area Ratio in 1962. She stated up to 1987 there was regulation in all residential districts. She explained the residential districts were not all the same then as today. Ms. Wischnack commented on the aspects to consider when changing the ordinance such as including all impervious surface or not, drainage impacts, etc. She commented on research from other cities.

Discussion followed on consideration for all types of lot coverage and alternatives for the developers. There was much discussion on drainage and density. Mr. Exner stated problems come into play during construction because of the density of the lots including plantings, fences and walls, accessory buildings, etc.

Consensus of the Planning Commission is to leave the ordinance as it is and not change the lot coverage requirement.

5. OLD BUSINESS

None

6. COMMUNICATION FROM STAFF

Ms. Wischnack explained we have applied for a 1000 Friends of MN Grant to provide for long range planning of the city and surrounding the city.

7. ADJOURNMENT

There being no further the meeting adjourned at 8:10 p.m.

**MINUTES – SPECIAL MEETING
HUTCHINSON PLANNING COMMISSION
Monday, November 8 , 2004
Hutchinson City Main Conference Room**

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

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

2. PUBLIC HEARINGS

- a) CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY ROBERT BOISCLAIR, APPLICANT, TO CONSTRUCT A 3600 SQ. FT. COMMUNITY BUILDING FOR RESIDENTS AT PLEASANT ACRES, 213 NORTH HIGH DRIVE

Chairman Kirchoff opened the hearing at 5:30 p.m. with the reading of publication #7270 as published in the Hutchinson Leader on October 28, 2004.

Ms. Wischnack commented on the request and the history of the property. She explained the stormwater improvements were installed. She reported on the parking calculations made in 1996 and the existing parking. She explained the proposed parking would be 8 spaces short according to the requirements today. She stated there has been an increase of 56 spaces to the plan. Ms. Wischnack commented on the proposed plan stating the water line is close to the construction and the storm water line must not be closer than 10 feet from the construction. She stated the gas and electric are placed around the perimeter of the buildings and would not be affected by the building construction.

Ms. Wischnack explained the difficult accessibility which is a concern for emergency services and public safety. She commented on the proposed divided entrance which has been reviewed and as long as the turning radius is gentle, fire equipment can make the turn into the property.

Ms. Wischnack commented on the following staff recommendations:

1. The pavement, re-curbings, and re-striping be completed no later than June 30, 2005.
2. The revised plan for removal of parking spaces and curbing; must be submitted prior to building permit issuance.
3. The building may not be constructed over any utility lines. All utility relocation is at the property owner's expense.

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4. The tot lot equipment is anticipated to be replaced. It is a requirement of the R4 Zoning District that tot lot equipment is available.
5. See any additional information in the minutes of the one-stop-shop meeting (November 1, 2004)
6. Any entry work that enters the County Highway area would require a separate permit from McLeod County.

Chairman Kirchoff asked if there would be any problems with the permit from McLeod County. Ms. Wischnack stated there are no problems the County just wants to know the plan. Discussion followed on turning lanes into the complex.

Mr. Boisclair commented on the new concept for Hutchinson. He commented on the location of the complex and the need for the amenity. He explained the additional parking and the type of building to be constructed. He stated there will be surmountable curbs for emergency vehicle accessibility. He explained 56 additional parking spaces seem to be sufficient.

Discussion followed on assigned parking. Mr. Boisclair stated assigned parking is difficult to manage. Ms. Cheryl Martin, apartment manager, stated with the choice to rent a garage it would be difficult to issue parking spaces also.

Mr. Boisclair explained the floor plan of the building.

Ms. Otteson asked who would use the parking spaces proposed at the entrance. Mr. Boisclair stated tenants in the two closest apartments and over flow. He commented on the proposed landscaping for the future.

Discussion followed on present access into the buildings. Ms. Martin stated they are secured entry.

Mr. Exner reported on his research regarding the stormwater ponding. He stated approximately 2/3 to 3/4 acre of additional impervious surface is being added. He stated the past engineering firm confirmed the pond is adequate for the added impervious surface.

Mr. Haugen asked about the depth of the pool. Mr. Boisclair stated it would be 3 feet to 5 feet deep with signs stating no child under 16 would be permitted without parents.

Mr. Boisclair stated they are in the process of renaming the complex.

Discussion followed on the parking shortage of 8 spaces.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 5:55 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations 1 - 6. Seconded by Mr. Faser, the motion carried unanimously. Ms. Wischnack

stated this item will be placed on the City Council regular agenda at their meeting held November 9, 2004 in the Council Chambers at 5:30 p.m.

3. NEW BUSINESS

4. OLD BUSINESS

5. COMMUNICATION FROM STAFF

a) DISCUSSION OF CONDITIONAL USE PERMIT ENFORCEMENT ISSUES

Ms. Wischnack brought enforcement issues to the Commission for their direction regarding the Stearnswood paved parking required at the time of the Conditional Use Permit. She stated the Hutchinson Manufacturing stormwater pond issue is being handled by John Rodeberg to try to solve the requirement.

Discussion followed on the possibility of requiring a bond to assure the parking lot paving was completed in developments. Ms. Wischnack stated typically the City does not require bonding on smaller projects. She explained usually friendly reminders are sufficient.

Ms. Wischnack asked if the Planning Commission is comfortable with renouncing the Conditional Use Permit as was done in the past. She stated to be fair to the property owner the delay has been waiting until the ground settles before paving. It was the consensus of the Planning Commission to renounce to amend the Conditional Use Permit for time deadlines.

6. ADJOURNMENT

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

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, November 16, 2004
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Dean Kirchoff at 5:30 p.m. with the following members present: Brandon Fraser, Jim Haugen (5:40 p.m.), Lynn Otteson (5:36 p.m.), Mike Flaata, Robert Hantge and Chairman Kirchoff. Absent: Farid Currimbhoy Also present: Julie Wischnack, AICP, Planning Director, Marc Sebor, City Attorney, Kent Exner, City Engineer and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

- a) Consideration of Minutes of the Regular meeting dated October 19, 2004 and Special meeting November 8, 2004

Mr. Hantge moved to approve the minutes of Regular meeting October 19, 2004, and Special meeting November 8, 2004 as submitted. Seconded by Mr. Flaata. The minutes were approved unanimously.

3. PUBLIC HEARINGS

- a) RECONSIDERATION OF A 27 LOT **PRELIMINARY AND FINAL PLAT** TO BE KNOWN AS BRIDGEWATER ESTATES THIRD ADDITION SUBMITTED BY GPS DICKINSEN PARTNERS, LLP

Chairman Kirchoff reopened the hearing at 5:35 p.m. with the reading of publication # 7263 as published in the Hutchinson Leader on October 7, 2004.

Ms. Wischnack commented on the follow up items presented by the applicant which included a staging plan for the entire area. She commented on the following staff recommendations:

1. The access of Willow Drive SW onto South Grade Rd must include a turn lane (same design as Roberts Street), and also is dependant on closing the Honey Tree Road access (Access Management and safety issues). There are possibilities of make a temporary road along 9th Avenue SW to Honey Tree Road, or have a temporary turn around for the street. In no case can South Grade have Roberts, Willow, and Honey Tree open at one time.

The developer will close the small portion of Honey Tree Road when Willow is constructed. This would be the area south of the east/west road.

2. A temporary turnaround is required on the north end of Willow Drive SW. Easements should be indicated to accommodate the turn around.

Has been addressed on the design plans.

3. There are continuing safety issues for people walking in the area. The City should consider a trail along the north side of South Grade Road up to the end of the plat in the next phase of construction.

They are open to discussing this option. This item will be finalized prior to the City Council entering a subdivision agreement.

4. Revised plat indicating: 6 foot easements, which are required along interior lot lines.

The easements were changed to 6 and 12 feet. The requirement is 6 and 10 feet.

5. Reconfirmation of that the original grading plan has been met. (The entire site was graded with the Bridgewater Estates 2 utility construction.)

This will be done, prior to commencement of construction.

6. A subdivider's agreement must be executed and fees paid prior to construction.

This will be completed.

7. Revise phasing plan to reflect new development plan.

The revised phasing plan was received on November 4, 2004.

8. Provide revised pad elevation and house types signed by new engineer (previously submitted by RLK Kuusisto).

The new engineer has agreed to this.

Mr. Fraser asked about closing Honey Tree Rd. Ms. Wischnack stated only the southern portion would be closed. She explained this is a dangerous access to South Grade Rd.

Ms. Otteson commented on the turnaround. Ms. Wischnack stated it will not show on the plat since it is a temporary turnaround.

Mr. Fraser asked if Honey Tree will be completely cut off in the future. Ms. Wischnack stated it would not be and explained the proposed plan for Honey Tree Rd.

Discussion followed on the trail requested by the City along South Grade Rd. Ms. Wischnack stated it would be constructed in stages to the east. Tom Herkenhoff, Surveying and Engineering Professionals, was available to answer questions for the development.

Mr. Flaata stated the prospective property owners should be made aware of the trail. Mr. Herkenhoff stated the developer has not committed to the trail at this time.

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Hantge the hearing closed at 5:43 p.m. Mr. Fraser made a motion to recommend approval of the request with staff recommendations noting number four must be resolved. Seconded by Mr. Hantge. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held November 23, 2004 in the Council Chambers at 5:30 p.m.

b) **CONSIDERATION OF VACATION OF EASEMENTS AND LOT SPLIT SUBMITTED BY MARTY BERG AND MIKE MCGRAW**

Chairman Kirchoff opened the hearing at 5:45 p.m. with the reading of publication #7272 as published in the Hutchinson Leader on November 4, 2004.

Ms. Wischnack commented on the lot rearrangement and explained the existing lot lines and the reason for vacating the easements to allow the house to be moved on the lot. She commented on the following staff recommendations:

1. Any relocation of utilities is required to be at the owner's expense. (None are identified at this time.)
2. Additional drainage and utility easements must be provided and signed by the property owners prior to issuance of a building permit. New easement descriptions shall be provided by the applicants/owners. (This easement area would be along the new property lines 6 feet on either side).
3. All recording of the deeds are the applicant's/owner's responsibility.

Ms. Wischnack explained the new lot is large enough for a home.

Mr. Hantge made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 5:47 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Otteson. The motion carried unanimously. Ms.

Wischnack stated this item will be placed on the City Council consent agenda at their meeting held November 23, 2004 in the Council Chambers at 5:30 p.m.

- c) CONSIDERATION OF REQUEST TO **REZONE** PROPERTY FROM C4 (FRINGE COMMERCIAL) TO C2 (AUTOMOTIVE SERVICE COMMERCIAL) AND **CONDITIONAL USE PERMIT** TO OPERATE A USED CAR BUSINESS LOCATED AT 1130 HWY 7 EAST SUBMITTED BY RON HOLTZ AND BRENT CHRISTENSEN

Chairman Kirchoff opened the hearing at 5:48 p.m. with the reading of publication #7273 as published in the Hutchinson Leader on November 4, 2004.

Ms. Wischnack explained the location of the property next to the city boundary. She commented on the site plan and the uses of the building. She explained office space, automotive and used car sales is allowed in C2 by Conditional Use Permit. She stated she has met with the property owner regarding the issues and concerns. She explained they must provide a driveway easement for now and in the future. She explained the paved parking requirement from Section 10.01 of the Zoning Ordinance. Change of ownership would evoke the requirement to pave. In this case, the City was not aware of an ownership change 3 years ago. Ms. Wischnack explained the landscaping requirement of 1 tree per 800 sq. ft. She stated the tire pile must be buffered by an opaque fence. She commented on the following staff recommendations:

1. A pavement plan and time frame be submitted by the property owner.
2. A planting plan be submitted by the applicant with a date for completion.
3. No more than 15 vehicles could be displayed at the property.
4. No parking or vehicle display would occur in the State Highway right of way.
5. Any signage would require a separate permit.
6. Any remodeling of the building would require additional permitting.

Ms. Wischnack commented on the new site plan which is not accurate. A revised plan is required showing a 10' parking set back from the highway right of way.

Mr. Flaata commented on the need for an additional recommendation requiring an easement agreement for the driveway.

Mr. Hantge voiced concern regarding the limitation of number of displayed vehicles. Ms. Wischnack stated we can limit that through the Conditional Use Permit similar to a previous request along Hwy 7 East. She stated staff looked at the area and determined the number of vehicles. She stated the pavement plan requirement is because of the after-the-fact ownership change. She again explained the requirement for

paving with the change of ownership. Discussion followed on the paving requirement and other requirements meant for the property owner not the applicant. Atty. Sebora stated it does not seem right to attach the paving requirement to the Conditional Use Permit. In the past, the city has granted time to complete the paving . He stated we must keep uniformity throughout the city.

Ms. Wischnack stated change in ownership kicked in the requirement.

Discussion followed on the complication with the neighboring property being outside the city limits and paving only a portion of the area.

Mr. Hantge stated he has a problem with limiting the number of cars.

Ron Holtz, applicant, explained the number of spaces shown is the maximum number that will fit for the area. He stated he will not be using the east side of the building for his display. He commented on the office space inside the building which will not have to be remodeled. Ms. Wischnack stated there is a parking requirement for each of the uses on the property and the site is tight for parking.

Discussion followed regarding the fencing requirement and the items the property owner should be held responsible for not the applicant. Atty. Sebora stated the fencing of the tires is for a specific use.

Ms. Wischnack commented on the 10 foot setback from the highway right of way. She explained the first drawing submitted was accurate.

Mr. Holtz stated his intention is to clean up the property and that the fence, paving and other requirements are the responsibility of the property owner. Ms. Wischnack stated she met with the property owner regarding the issues and the city will deal with enforcement.

Mr. Hantge made a motion to close the hearing. Seconded by Ms. Otteson the hearing closed at 6:17 p.m. Mr.Hantge made a motion to recommend approval of the rezoning from C4 to C2 and the Conditional Use Permit request with staff recommendations number 4,5,6 and add the driveway easement agreement. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held November 23, 2004 in the Council Chambers at 5:30 p.m.

- d) **CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY RICARDO MORENO, APPLICANT, TO CHANGE USE IN THE I/C DISTRICT FROM RADIATOR REPAIR TO CABINET SHOP LOCATED AT 745 HWY 7 WEST**

Chairman Kirchoff opened the hearing at 6:20 p.m. with the reading of publication #7274 as published in the Hutchinson Leader on November 4, 2004.

Ms. Wischnack commented on the request stating the Conditional Use Permit is required in the I/C District with change of use. She commented on the following staff recommendations:

1. The proposed use would be for the construction and sales of cabinetry. Any uses proposed beyond this, would require further review.
2. As with all businesses on the Highway 7 corridor; a reminder that access during the reconstruction of the highway (2006/2007) will be challenging.
3. If ownership of the property changes or remodeling (which requires a building permit), pavement for the access drive must be completed. This should be done in conjunction with the plans for Golf Course Road/State Highway 7.
4. No remodeling, requiring a building permit was anticipated at this time. Further review by the building inspector would be required, if more work is proposed.
5. The parking requirements would indicate 12 spaces were required or ____ based on the number of employees.
6. Change in signage, would require a separate permit.

The hearing closed at 6:28 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Flaata. The motion carried unanimously. Ms. Wischnack stated this item will be placed on the City Council consent agenda at their meeting held November 23, 2004 in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

a) CONSIDERATION OF **LOT SPLITS** LOCATED AT 540 AND 550 HILLTOP DRIVE N.E. SUBMITTED BY JAY PETTIT

Ms. Wischnack explained the lot splits were anticipated during the PDD CUP approval process. The lot splits are configured as was proposed in that process. She commented on the staff recommendations as follows:

1. The applicant/owner is responsible for filing all appropriate deeds and recording of the lot splits.
2. Additional drainage and utility easements must be described and dedicated (east side of 540 and west side of 550).

Mr. Fraser made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen. The motion carried unanimously.

b) CONSIDERATION OF **LOT SPLITS** LOCATED AT 220 AND 255 OTTAWA AVE. S.E. SUBMITTED BY PAUL BETKER

Ms. Wischnack explained the lot splits were anticipated with the original development and meet the requirements. The assessments should be

split. These lots will not require a variance. She commented on the following staff recommendations:

1. The applicant/owner is responsible for filing all appropriate deeds and recording of the lot splits.
2. All assessments will be split according to the document provided November 5, 2004 (indicates a 50/50 split).

Mr. Flaata made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Otteson. The motion carried unanimously.

5. OLD BUSINESS

Ms. Wischnack stated she has given notice to the property owner regarding paving at 320-3rd Ave NW and if there is no response there will be a public hearing in December.

Ms. Wischnack stated John Rodeberg has met with Mr. Daggett regarding the ponding on the Hutchinson Mfg. site. She reported they are working toward compliance.

6. COMMUNICATION FROM STAFF

- Ms. Wischnack stated Mr. Dean Bloemke, Welcome to Our Home, would like to talk to the Commissioners with an idea he has for the small house on the site being developed as Welcome to Our Home Second Addition.

Mr. Bloemke explained the house must be moved or taken down. He stated the house could be used for an office and he would like to move it north of Outlot A. Christ the King Church owns that property and he would work something out with them. He stated he talked to the neighboring property owners regarding a rezoning for the office and they are not against it but would like to discuss it further. He explained they would work out a shared access arrangement with the church.

Ms. Wischnack stated her first reaction is that it is not in character with the neighborhood however there are varied uses in the area.

Mr. Bloemke stated in the future there could be more buildings which would be similar on the property.

Atty. Sebora commented on rezoning a small parcel to accommodate a request. He questioned legally how do you rezone one parcel.

Mr. Hantge stated he was not comfortable with a business complex in that area. Mr. Flaata stated he would not be interested in rezoning a larger area.

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Ms. Wischnack suggested a neighborhood meeting. Mr. Bloemke stated he will hold a neighborhood informational meeting.

- Ms. Otteson stated she would like a meeting/retreat with the Council. Mr. Haugen stated the City Council does have a retreat early in the year with a facilitator. Consensus was positive regarding a meeting with the Council.

7. ADJOURNMENT

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

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, December 21, 2004
Hutchinson City Council Chambers

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

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

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated November 16, 2004

Mr. Hantge moved to approve the minutes of November 16, 2004 as submitted. Seconded by Mr. Flaata. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) RECONSIDERATION OF **CONDITIONAL USE PERMIT** GRANTED TO STEARNSWOOD REGARDING PAVING OF ACCESS AREAS

Chairman Kirchoff opened the hearing at 5:35 p.m. with the reading of publication #7279 as published in the Hutchinson Leader on December 9, 2004.

Mr. Hantge questioned the need for a public hearing on enforcement issues.

Ms. Wischnack explained the past reconsideration of non-compliance issues and amending the Conditional Use Permit. Mr. Hantge stated he did not think the Planning Commission should be dealing with enforcements issues.

Discussion followed on the temporary permit issued.

Ms. Wischnack commented on the options of enforcement which would include review by the Planning Commission and Council and/or the City Attorney. She explained the Planning Commission could amend the Conditional Use Permit to extend the time line for the paving to June 30, 2005.

Mr. Stearns, property owner, commented on the major problem of paving. He stated he has scheduled a contractor for the paving. He explained the problems with the ground and the need for the ground to settle before

paving. Mr. Stearns stated he has be bid from the contractor which is \$17,000.

Discussion followed on the extension of the requirement in the previous Conditional Use Permit. Mr. Stearns stated he would like an extension of the requirement to June 30, 2005. He presented the contractor's estimate and a drawing of the scope of work. Discussion followed on the Planning Commission review of non-compliance issues.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 5:50 p.m. Mr. Flaata made a motion to recommend approval of the request to extend the requirement to June 30, 2005. Seconded by Mr. Haugen. The motion carried with Mr. Hantge voting nay. Ms. Wischnack stated this item will be placed on the City Council regular agenda at their meeting held December 28, 2004 in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

a) CONSIDERATION OF LOT SPLITS LOCATED AT 230 AND 245 OTTAWA AVE. S.E. SUBMITTED BY PAUL BETKER

Ms. Wischnack explained the request being the same as last month only different lots. She stated all the requirements were met and commented on the conditions requested by staff as follows:

1. The applicant/owner is responsible for filing all appropriate deeds and recording of the lot splits.
2. All assessments will be split according to the document provided November 5, 2004 (indicates a 50/50 split).

Ms. Wischnack reported a variance was granted for lot coverage.

Mr. Flaata made a motion to recommend approval of the lot splits with staff recommendations. Seconded by Mr. Haugen. The motion carried unanimously. Ms. Wischnack stated this item will be forwarded to the City Council consent agenda for the meeting to be held at 5:30 p.m. on December 28, 2004.

b) PRESENTATION OF THE WELLHEAD PROTECTION PLAN

Ms. Wischnack commented on the committee formed to draft a Wellhead Protection Plan. Dick Nagy, Water Systems Supervisor, explained the plan is required by the MN Dept. of Health. He reported the first phase is completed and the second phase is more complicated. He explained the plan is required for the protection of the city water supply. Ms. Wischnack summarized the plan and explained they utilized information from the State of MN. The City must verify the wells in operation and abandoned.

Mr. Nagy stated the City hired a consultant to identify the well management area. They have determined there is a non-vulnerable aquifer in this area. He stated Planning and Zoning will control or police

the plan. He commented on the map showing the size of the aquifer. He explained accurate data was difficult to acquire. There will be a public hearing on the plan.

Discussion followed on the sealing of abandoned wells. Ms. Wischnack stated this is a nonfunded mandate from the State. She commented on the possibility of an overlay zoning ordinance for the City and Joint Planning area.

c) DISCUSSION OF PAVED PARKING REQUIREMENT

Ms. Wischnack explained the present paving requirement at the time of sale or permit application. She commented on the recent requests which triggered the paving requirement. She explained the staff consensus was to leave the ordinance as it is and to identify the properties in noncompliance. She stated there should be communication with the realtors and property owners regarding the requirement. She stated she used cost estimates as used at Creek Side.

Mr. Exner stated the minimum extent of paving is required.

Ms. Wischnack stated the cost runs around \$10,000 according to the sq. ft. costs at Creek Side.

Mr. Exner stated the ordinance allows a 2 inch depth. He stated the compost facility is 3 inches. The key is what is underneath.

Discussion followed on the MPCA stormwater management requirements.

Mr. Hantge stated he would rather have property owners attend their public hearing than the applicant who is renting. Ms. Wischnack stated a note can be added to the application stating the property owner must be present at the public hearing.

Discussion followed on the present paving ordinance. Chairman Kirchoff stated the present ordinance is acceptable. Enforcement of the ordinance should be defined and possibly go to the council directly. It was the consensus of the Planning Commission to leave the ordinance as is. Mr. Hantge stated it would be a good idea to inform realtors and have the information at the closing.

Ms. Wischnack stated the assessment search would be a good way to inform the property owner. She commented on using the web site. She stated she will provide an inventory of properties involved for the Planning Commission.

d) DISCUSS TOUR AND JOINT MEETING WITH CITY COUNCIL

Ms. Wischnack stated there will be a joint Hwy 7 work session with the Council on January 18, 2005 at 4:15 p.m. She reported a February joint

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meeting with the City Council will be held and the Council will chose a date. She explained the Planning Commission should present a list of discussion items with the Council.

5. OLD BUSINESS

Ms. Wischnack stated there is a plan of action from the property owner on the 2nd Ave. dilapidated garage.

6. COMMUNICATION FROM STAFF

Ms. Wischnack commented on the agenda items for next month which will include the Water Treatment Plant Conditional Use Permit for their expansion project.

7. ADJOURNMENT

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