

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, January 16, 2007
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: John Lofdahl, Jim Haugen, Lynn Otteson, Mike Flaata, Farid Currimbhoy and Chairman Kirchoff. Absent: None Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer, and Bonnie Baumetz, Planning Coordinator

2. APPROVAL OF MINUTES

a) Consideration of Minutes dated December 19, 2006

Mr. Flaata moved to approve the minutes of December 19, 2006, as submitted. Seconded by Mr. Haugen. The minutes were approved unanimously.

3. PUBLIC HEARINGS

a) CONSIDERATION OF **CONDITIONAL USE PERMIT AND SITE PLAN** TO CONSTRUCT A CHURCH IN THE R1 DISTRICT LOCATED AT 1000 NORTH HIGH DRIVE NW SUBMITTED BY JEHOVAH'S WITNESS KINGDOM HALL

Chairman Kirchoff opened the hearing at 5:41 p.m. with the reading of publication #7540 as published in the Hutchinson Leader on January 4, 2007.

Ms. Bowers commented on the request for a conditional use permit and site plan. She commented on the site plan and the access from School Road. She stated the building will be 4450 sq. ft. and construction will begin in the Spring. The site is 3+ acres with a large pond on the north side. She explained the Commission should consider any potential impacts to adjacent properties, such as the surrounding residential neighborhood. Residential properties should be screened from the parking lot. She reported the City does not have a detailed grading plan or drainage calculations. She explained the private drive will accommodate the ingress and egress for possible future development. She commented on the building details both outside and inside. She commented on the following staff recommendations and approval:

1. The property will be given a School Road N.W. address by the City at the time of building permit application.

2. The parking lot shall be screened as shown on the landscape plan. Minor revisions may be approved by the City Forester and Planning Director to substitute species types, provided the adequate screening is established.
3. Approval of the City Engineer of the grading plans and stormwater hydraulic calculations is required prior to any construction on the site. Plans must be signed by a Professional Engineer.
4. The private drive shall be 24' wide and appropriate private easements arrangements should be agreed upon.
5. Separate permits are required for signage and shall comply with Section 154.137
6. Park land dedication fees in the amount of \$2,580 will be due and will collect at the time of building permit issuance.
7. SAC/WAC fees will be calculated after building permit plans and application are submitted. Fees shall be collected at the time of permit issuance.
8. Signed architectural plans must be provided prior to issuance of a building permit
9. The construction of the building must comply with State Fire and Building Codes, including requirements for sprinkling, alarm systems, and fire protection.

Discussion followed on the required parking for the church use. Ms. Bowers commented on the number of seats proposed and stated there are ample spaces shown on the site plan.

Charles Kirk, on behalf of the congregation, stated, generally speaking, throughout the State and Region, parking is not used to the maximum. Maximum parking make take place maybe one time throughout the year.

There was discussion on the drainage in the event of a 100 year rain event. Mr. Exner explained all the drainage would go into the pond area and would only raise the water level approximately ½ foot. He commented on the pond in this area. He explained in 2000 – 2001 the pond was regraded to create a larger pond. Discussion followed on future development. Mr. Exner stated future development would drain toward the Golf Course to the north of Golf Course Road and to the storm sewer.

Discussion followed on the access to the lot B triangle. There must be a shared drive on the property line.

Butch Hausladen, 1125-12th Avenue N.W., asked about the percentage of lot coverage allowed for a church in a residential district. Mr. Exner stated we do not have the calculations for the coverage. He explained the pond is in the calculation of the lot size. Mr. Hausladen stated the golf course is wet even in dry conditions.

Judy Plowman, 1204 Oakwood Lane, stated the neighborhood has problems and concerns with the drainage. She asked how the parking lot will be constructed to drain to the pond. She also asked if there would be

infrastructure for drainage from the church and parking lot. Mr. Exner stated drainage would depend on the grading of the lot. Ms. Plowman asked if the drainage can it be made to flow to the other side of CSAH 12. Mr. Exner stated the culverts are gone. Ms. Plowman asked about the houses to the south. Mr. Exner explained the drainage flows over land by swales and ponds in the golf course. There was discussion on the golf course drainage and future development requiring more ponding.

Mike Graham, 1120-13 Ave N.W. expressed his concerns with the drainage flow across School Road. He stated engineered flow is not working. He commented on the water ponding on his property. Mr. Exner explained the drainage on School Road. He stated water does pond along School Road. He explained the construction used to prevent flooding and that there is not as much water there now. He commented on the grades in the area. Mr. Exner explained the west side of School Road is protected by the dip in North High Drive. He reported sump pumps in the area run year round in part because of ground water.

Mr. Graham commented on the slow drainage. He stated water doesn't run away fast enough. Mr. Exner stated he will take a look at the rip rap swale. He explained it may need maintenance.

Discussion followed on the church project contributing to the drainage issues on the west side of School Road.

Mr. Graham stated there needs to be assurance of the church not causing more problems with drainage.

Mr. Kirk, commented on the topographic maps. He explained the church is concerned on how the neighbors view their building. He explained the building is designed to fit in with the residential neighborhood and landscaped to protect the neighbors from negative impact from headlights, etc.

Mr. Lofdahl made a motion to close the hearing. Seconded by Ms. Otteson, the hearing closed at 6:15 p.m. Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations 1-9. Seconded by Mr. Currimbhoy. The motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held January 23, 2007, in the Council Chambers at 5:30 p.m.

b) **CONSIDERATION OF LOT SPLIT AND VACATION OF EASEMENTS LOCATED IN FRASER'S SUBDIVISION**

Chairman Kirchoff opened the hearing at 6:18 p.m. with the reading of publication #7541 as published in the Hutchinson Leader on January 4, 2007.

Ms. Bowers commented on the request and explained the history of the two lot final plat. She explained the lot division applies to the one lot.

She reported there really are two divisions to this lot split. One division is for the separate townhouse units and the second is a 5 foot separate piece. A drainage and utility easement must be vacated and a new easement must be granted on the westerly line. She stated the lots exceed the requirements for the lot area and setbacks. She commented on the following staff recommendations:

1. A six foot drainage and utility easement is required along the new westerly property line of lot 1, block 2. The easement shall be provided prior to any construction on the property.
2. Construction on the lots shall meet the standards of the R-2 zoning district.
3. There must be separate water and sewer services to each lot.
4. The lot splits, vacation of easement, and new easement must be recorded at McLeod County prior to construction on the lots.
5. All required fees will be at the 2007 charges and collected with the issuance of the building permit.
6. All existing conditions of the preliminary and final plat remain in effect.

She explained the present requirement for a 6 foot easement. She stated there was not a tree requirement in the past and no subdivision agreement was prepared for this small plat. She reported the City Forester said he could get some trees for the boulevard.

Brandon Fraser, 1418 McDonalds Drive, stated there will be a 6 foot easement. He explained that he placed boulevard trees on the other lot and will place them on these lots also. He commented on his concerns with having to split the lot. He stated, because of the change in the requirements, this plat has cost him more.

Mr. Lofdahl stated he was abstaining from voting.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:29 p.m. Ms. Otteson made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Flaata. The motion carried with Mr. Lofdahl abstaining. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held January 23, 2007, in the Council Chambers at 5:30 p.m.

- c) **CONSIDERATION OF CONDITIONAL USE PERMIT TO AMEND THE PLANNED DEVELOPMENT DISTRICT IN SOUTHFORK RIDGE THIRD ADDITION AND VACATION OF EASEMENTS FOR CONSTRUCTION OF ATTACHED TOWNHOMES LOCATED IN SOUTHFORK RIDGE THIRD ADDITION**

Chairman Kirchoff opened the hearing at 6:30 p.m. with the reading of publication #7542 as published in the Hutchinson Leader on January 4, 2007.

Ms. Bowers commented on the history of the plats on this property and the reason for the vacation. She explained the Conditional Use Permit is to change the side yard setback from 8 feet to 6 feet. She reported staff has concerns with reducing the setback area and commented on the 5' drainage and utility easements in this PDD. She explained there are light feeds between lots 3 & 4 and 7 & 8 in Block 3. She commented on the following staff recommendations:

1. Individual lots may not exceed 50% lot coverage requirement.
2. Removal or relocation of any services will be at the owner's expense.
3. Separate water and sewer services will be required for each lot.
4. Applicant must relocate the light feeds between Lots 3 and 4 and 7 and 8, in Block 3 at their expense.
5. Applicant shall verify that there will be no building over any stormsewer and provide as-built drawings.
6. Temporary street lights must be replaced with permanent lights before future building permits will be issued.

Ms. Bowers stated staff is in favor of the vacation of easements however, has concerns with reducing the side yard setback. Discussion followed on the recent change in the ordinance which regulates overhangs in the easement areas. Ms. Bowers explained the present Planned Development Districts were exempted.

Discussion followed on not allowing 6 foot setbacks in the future. There was further discussion on the flexibility of PDD developments. Mr. Exner commented on the concerns with maintaining the 6 foot easements. He explained that planned development districts should be developed to address maintenance of the utilities.

Kevin Compton, applicant, stated all utilities are in the front and back of the lots and there is nothing in the side yard easements. He commented on the past twin homes he has built with a 6 foot setback. Discussion followed on this development. Mr. Compton explained the concern is that patio homes are too narrow and not selling. He stated water flow should not be an issue with correct grading.

Brandon Fraser, 1418 McDonald Drive, commented on the setback issue. He stated he has not seen a large piece of equipment in the side yards yet. He stated reputable builders grade to handle drainage.

There was discussion on the planned development districts allowing leeway with lot size and setbacks. The utilities are in place in this plat.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson, the hearing closed at 6:47 p.m. Mr. Flaata made a motion to recommend approval of the Conditional Use Permit to allow 6 foot setbacks since utilities are presently in place and Planned Development Districts allow variation in the setbacks. Seconded by Mr. Haugen, the motion carried unanimously. Mr. Lofdhal stated Planned Development

Districts encourage innovations in development. Mr. Lofdahl made a motion to recommend approval of the vacation of easements with staff recommendations. Seconded by Ms. Otteson, the motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held January 23, 2007, in the Council Chambers at 5:30 p.m.

d) **CONSIDERATION OF ORDINANCE AMENDMENT SPECIFYING ACCESSORY BUILDING REQUIREMENTS TO PROHIBIT DETACHED GARAGES AND SECONDARY ACCESS DRIVES ON DOUBLE FRONTAGE LOTS**

Chairman Kirchoff reopened the hearing at 6:49 p.m. with the reading of publication #7534 as published in the Hutchinson Leader on December 7, 2006.

Ms. Bowers stated this item was tabled at the last meeting. She explained staff was notified of concerns with garages being constructed on double fronted yards. She reported the City may lose control of access if garages are allowed on the double fronted lots. She explained staff was asked to address this issue. She explained the first step is to create a definition to clarify the front yard and double frontage lots. She then explained the changes to the ordinance.

Discussion followed on requiring a rear yard setback of 25 feet from the street on double frontage lots instead of 6 feet.

Underwood Avenue has been a concern for future development. Mr. Exner commented on the traffic along Underwood Avenue. He explained the new type of developments and the need for collector streets. He stated collector street access must be limited.

Ms. Bowers commented on the aesthetics of detached garages in rear yards on a street. She reported staff is mostly concerned with access and setback. Discussion followed on the ordinance making some parcels in the City nonconforming. Ms. Bowers reported the resident at 955 Lakewood Drive S.W., contacted her and does not want garages or sheds in the rear yards of double frontage streets. Discussion followed on regulating development with an ordinance.

Mr. Fraser stated it is difficult to write an ordinance to accommodate this type of request. He voiced concern with going overboard on the rules.

Jim Lauer, Lynn Township, commented on concerns from Lynn Township. They were concerned with the access unto of Underwood Avenue since no one knows the future of Underwood Avenue. He commented on previous requests for access onto Underwood. He reported Lynn Township would like to see a standardized ordinance. Ms. Bowers stated in some developments there are restrictive covenants not allowing detached garages or sheds. She explained the City can not enforce covenants. There was more discussion on the definition of a

double frontage lot and on identifying the types of streets. Ms. Bowers stated staff would like to see the access and setback issues addressed. Mr. Exner explained there are safety concerns on State-Aid and Collector streets. Discussion followed on creating more problems with an ordinance. Mr. Exner stated Underwood Avenue is the biggest problem right now.

The Planning Commission directed staff to make changes to the proposed ordinance and they would reopen the hearing next month.

Ms. Otteson moved to table to next month. Seconded by Mr. Currimbhoy, the motion carried unanimously.

4. NEW BUSINESS

- a) JANUARY 23, 2007, AT 3:30 P.M. SPECIAL CITY COUNCIL WORKSHOP ON WIND ENERGY, PRESENTED BY “WINDUSTRY”

Ms. Bowers commented on the email to prepare for the new ordinance coming in the Spring.

- b) The Planning Commission would like a summary of the open meeting law by Atty. Sebora next month.

5. OLD BUSINESS

6. COMMUNICATION FROM STAFF

Ms. Bowers told the Commission there are two openings for Planning Commission and applications are available.

7. ADJOURNMENT

There being no further business the meeting adjourned at 7:38 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, February 20, 2007
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: Christie Rock, John Lofdahl, Jim Haugen, Lynn Otteson (6:40), Mike Flaata, Farid Currimbhoy and Chairman Kirchoff. Absent: None Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

2. OATH OF OFFICE AND INTRODUCTION OF NEW PLANNING COMMISSIONER CHRISTIE ROCK

3. APPROVAL OF MINUTES

a) Consideration of Minutes dated January 16, 2007

Mr. Lofdahl moved to approve the minutes of January 16, 2007 as submitted. Seconded by Mr. Haugen. The minutes were approved unanimously.

4. PUBLIC HEARINGS

a) CONSIDERATION OF A 5 LOT **PRELIMINARY PLAT** TO BE KNOWN AS EXCELSIOR ADDITION AND A **VARIANCE** TO REDUCE LOT DEPTH ON TWO LOTS LOCATED EAST OF ROTARY PARK SUBMITTED BY JEFF MUNSELL

Chairman Kirchoff opened the hearing at 5:42 p.m. with the reading of publication #7547 as published in the Hutchinson Leader on Thursday, February 8, 2007.

Ms. Bowers commented on the 5 lot preliminary plat and explained the location and the street change. She explained these will be single family lots and meet area and setback requirements. She reported two lots will require a variance for the 90' lot depth. She stated these will be manufactured homes with attached garages and full foundations. The utility site plan shows the building location for each lot. She explained the street name will be changed to Alaska Court as requested by emergency services personnel. She stated the homes will meet all required setbacks. Staff recommendations were as follows:

1. The preliminary plat and plans shall be revised to comply with the required revisions and comments listed in the City Engineer's memorandum dated February 12, 2007. Final plan approval is subject to City Engineer's approval.
2. A variance is warranted for lot depth between Block 1, lots 1 & 2 and 4 & 5 based upon the hardship of the unique characteristics of the property and infill site. The property could be platted with 5 lots to meet lot size and setback requirements, however could not meet the lot depth requirement for the two center lots because of the shape of the infill parcel. The variance would allow for the public road and cul-de-sac diameter to meet city standards.
3. Construction on the lots must meet the setback and coverage requirements of the R-2 zoning district.
4. The location of garages and driveways shall be coordinated to align garages and driveways to minimize utility conflicts and maximize green space. Lots 1 & 2 and 4 & 5 shall have their driveways aligned to the side of the lot along the shared lot line.
5. A subdivision agreement will be required prior to approval of the final plat. Fees shall be paid in accordance with this agreement. Escrow for the cost of two trees per lot (10 trees) shall be paid prior to signing the final plat.
6. A stop sign will be required at California and Alaska Court and will be included as a requirement in the subdivision agreement.
7. The applicant will coordinate with adjacent property owners and the project surveyor regarding identification of the property lines and any necessary relocation of accessory buildings that encroach onto the subject property.

Ms. Bowers commented on the trail relocation. The City trail encroaches onto the applicant's property. She also commented on the hardship for the variance stating the site is an infill with surrounding platted lots.

Staff recommends approval with City Engineer's recommendations.

Ms. Bowers stated the public cul-de-sac meets city guidelines. Discussion followed on the 5' driveway setback.

Marty Campion, Otto Assoc., stated the property owners concur with staff recommendations.

Mr. Lofdahl made a motion to close the hearing. Seconded by Mr. Currimbhoy. The hearing closed at 5:50 p.m. Mr. Haugen made a motion to recommend approval of the preliminary plat and variance with the hardship of the property being an infill lot with staff recommendations. Seconded by Mr. Lofdahl, the motion carried unanimously. Ms. Baumetz

stated this item will be placed on the City Council consent agenda at their meeting held February 27, 2007, in the Council Chambers at 5:30 p.m.

b) CONSIDERATION OF A REQUEST TO **REZONE** PROPERTY FROM R2 TO C5 LOCATED AT 267 – 4TH AVE N.W. FOR CHANGE OF USE FROM CHURCH TO PROFESSIONAL OFFICE BUILDING

Chairman Kirchoff opened the hearing at 5:51 p.m. with the reading of publication #7548 as published in the Hutchinson Leader on Thursday, February 8, 2007.

Ms. Bowers explained the rezoning request and the present church use of the property. She stated the property is in an R2 District presently and must be rezoned for the proposed office building use. She explained the zoning in the area is a mixture of zoning districts and C5 (Conditional Commercial) is abutting this property. She reported the area along Hwy 7 is in transition. There is commercial to the south of this property. Ms. Bowers stated there are no permitted uses in the C5 district and that any use will need a conditional use permit. She explained the Planning Commission should consider the Comprehensive Plan and what it projects for zoning. The Comprehensive Plan shows this as recommended for residential development. She reported Staff looked at the surrounding uses and the unique area as commercial. This use is consistent with the C5 uses. Staff recommendations and approval as follows:

1. The rezoning would be consistent with the intent of the Comprehensive Plan and Zoning Ordinance, due to its location on Highway 7, adjacent C-5 zoning, surrounding commercial guiding and the transitional nature of the area.
2. Buffering with coniferous trees and/or shrubbery is required between the commercial and residential zone to the north. A landscaping plan is required and must be approved by the City Forester and Planning Director.
3. The rezoning will expire within one year from the date of approval if the use does not change from the church to a business office.
4. Review and approval of a conditional use permit is required prior to the change in use, as required by the Zoning Ordinance. Additional conditions may be required in order to satisfy the specific conditional use permit standards during the review of the conditional use permit application.

Mr. Lofdahl made a motion to close the hearing. Seconded by Mr. Flaata, the hearing closed at 5:58 p.m. Mr. Lofdahl 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 February 27, 2007, in the Council Chambers at 5:30 p.m.

c) CONSIDERATION OF A **CONDITIONAL USE PERMIT AND SITE PLAN** TO CONSTRUCT A DRIVE UP BANK FACILITY LOCATED IN THE I/C DISTRICT AT 745 HWY 7 W SUBMITTED BY HOME STATE BANK

Chairman Kirchoff opened the hearing at 5:59 p.m. with the reading of publication #7549 as published in the Hutchinson Leader on Thursday, February 8, 2007.

Ms. Bowers commented on the request located in the I/C (Industrial Commercial) district. She explained all uses in this district require a conditional use permit. She stated the site plan and conditional use permit include a new bank facility and a new parking lot with drive thru lanes. She commented on the future expansion area. She commented on the building to be constructed and the site plan. Ms. Bowers stated the request meets all requirements and exceeds the setback requirements and traffic flow requirements. The landscape plan exceeds the required number of plantings. There will be both a monument sign and pole type sign on the property. Signage requires permits. The proposed signage meets the City sign ordinance requirements. The applicant must follow the City Engineer's requirements and the following staff recommendations:

1. The proposed use would meet the standards for granting a conditional use permit.
2. The proposed addition and site improvements would comply with the standards of the I/C district.
3. Sign permits are required prior to installation of the signage.
4. The future building and parking expansion areas will require site plan approval in accordance with the Zoning Ordinance standards in place at the time of planned expansion.
5. Plans shall be revised to meet the preliminary plan review comments included in the City Engineer's Memorandum dated February 12, 2007. Final plans require approval of the City Engineer prior to construction.
6. Park Dedication fee of \$860 will be due at the time of building permit.
7. SAC/WAC fee in the amount of \$5,900 (2 units x \$2,950) will be due at the time of building permit.
8. As with all businesses on the Highway 7 corridor; a reminder that access during the reconstruction of the highway will be challenging.

Discussion followed of the proposed access for the businesses to the west. The westerly properties have access from Hwy 7.

Nancy Dwinell, property owner to the west, questioned the service road recommended by MNDOT previously. Mr. Exner commented on the consideration of a service road in front of the businesses to the west. He stated MNDOT's final design does not include a service road. There will be shared accesses along Hwy 7 W. He explained MNDOT left each

property access rights to all properties. Mr. Exner stated no service road will be constructed in the future.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Lofdahl, the hearing closed at 6:08 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Rock, the motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held February 27, 2007, in the Council Chambers at 5:30 p.m.

d) CONSIDERATION OF A **CONDITIONAL USE PERMIT** TO ALLOW A USED AUTOMOBILE BUSINESS TEMPORARILY IN THE GATEWAY DISTRICT LOCATED AT 16919 HWY 7 EAST SUBMITTED BY JAMIE EMANS, EMANS AUTO SALES

Chairman Kirchoff opened the hearing at 6:09 p.m. with the reading of publication #7550 as published in the Hutchinson Leader on Thursday, February 8, 2007.

Ms. Bowers explained the request and the location. She explained the request is related to the construction on Hwy 7 West this year. The temporary use will take place from April 15, 2007 – October 15, 2007. She presented the applicant's drawing showing the office, lot space, and restroom space. She stated this is an unusual request and recommendations should include that this is the only temporary use allowed on this property. Staff recommendations and approval are as follows:

1. An adequate gravel base shall be placed on site to support the trailer, portable toilet, and vehicles.
2. The conditional use permit is temporary and will expire October 15, 2007.
3. Electric service to the site must be properly abandoned by November 1, 2007.
4. This is a one time temporary use specifically related to Highway 7 construction. No other temporary uses will be allowed on this property in the future due to the requirements the Gateway District and concerns over the appearance of temporary uses.

Discussion followed on the October 15th date being long enough. Mr. Exner stated this site is in the construction portion of Hwy 7. The construction this year is very utility intensive. Discussion followed on the construction season. There was also discussion regarding the lighting and security on the property.

Jamie Emans, Emans Auto Sales, stated the lighting will look good. He stated there will possibly be one light by the office. He stated the minute the road is done he will be moving back to his location. He explained that October 1st is the target date to move back. He commented on the sign which will be placed on the site.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:18 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations noting a sign permit is required prior to placement. 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 February 27, 2007, in the Council Chambers at 5:30 p.m.

- e) CONSIDERATION OF A **CONDITIONAL USE PERMIT** TO AMEND THE PLANNED DEVELOPMENT DISTRICT TO ALLOW FOR A REDUCTION IN LOT WIDTH AND LOT AREA FOR CONSTRUCTION OF TWIN HOME LOCATED AT 560/564 HILLTOP DRIVE N.E. SUBMITTED BY CROW RIVER HABITAT FOR HUMANITY

Chairman Kirchoff opened the hearing at 6:19 p.m. with the reading of publication #7551 as published in the Hutchinson Leader on Thursday, February 8, 2007.

Mr. Lofdahl stated he will abstain from the discussion and voting. Ms. Bowers commented on the request and the location. She stated the lots have been previously split. She explained the conditional use permit request is an extension of the planned development district that was approved previously but has since expired. She commented on the request to allow a 66 foot lot width and reduce the lot area for one lot which is short of the 5,000 sq. ft. requirement. Staff approved with conditions as follows:

1. Each unit must have separate water and sewer service.
2. Parkland dedication is \$135.00 per unit and SAC/WAC is \$2,950 per unit to be collected at the time of building permit.
3. Garages must be 400 square feet or larger.
4. Specific consideration for proper drainage between the units is essential. The property owner will be required to complete appropriate drainage for the site prior to final landscaping and sodding.

Discussion followed on the boulevard tree ordinance. There was discussion of the property being platted before the tree escrow was in place.

Steve Bailey, Chairman of Habitat for Humanity Board, stated they will provide the trees if not provided by the city.

James Tepley, 554 Hilltop Dr., questioned the meaning of the conditional use permit. Ms. Bowers explained the conditional use permit is an amendment to the planned development district. Mr. Tepley asked if this means they can come closer to his lot. He stated the homes they have constructed are too dense for the drainage. He explained this lot is 6' above his house and the drainage will come on his property. Ms. Bowers stated the elevations and drainage will be reviewed when the building permit is reviewed. She explained property owners can't alter the

water runoff. Atty. Seboria concurred that the drainage can not be altered. Mr. Exner explained the drainage is reviewed for all homes. He stated they may have to look at tiles and swales to alleviate drainage problems. He explained he doesn't want to see drainage problems either.

Mr. Lofdahl, General Contractor for Habitat, stated there will be a retaining wall on the property. The need for the wall will be determined when plans are complete. He explained the surveyor will set the top of foundation grade. He commented on the roof run-off which will drain to the north and south. The rear side of house drains to the south. Mr. Lofdahl stated the drainage concern is the front ¼ of the roof. He stated gutters and drain tiles will be installed on the lot. He reported Habitat will accept the recommendations and requirements of the city. Mr. Tepley again commented on his concerns with the runoff onto his property.

Ms. Bowers commented on the review of the building plans. There was discussion of the ground elevation in the area. There is a retaining wall between lot 6 and 5. Retaining walls should be sufficient to hold water. Mr. Tepley stated he does not want a retaining wall for safety of his family. Ms. Bowers recommended a meeting with Mr. Tepley on-site with the City Engineer to work with him along with the Contractor. Ms. Bowers stated the original PDD was approved at 6'. Discussion followed to table this request to next month until the staff has met on-site.

There was further discussion on the attempt by Habitat to work with the neighbors. Mr. Lofdahl stated the ordinance states no drainage can go on another lot. Mr. Tepley will work with the staff. Ms. Bowers stated an extension of the conditional use permit must be signed by the applicant.

Mr. Flaata made a motion to table the request to next month. Seconded by Mr. Currimbhoy, the item is tabled to next month.

f) **CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW A SIGN SHOP TO BE LOCATED IN THE C5 DISTRICT LOCATED AT 225 3RD AVE. N.W. SUBMITTED BY DAVE WEGSCHIED**

Chairman Kirchoff opened the hearing at 6:45 p.m. with the reading of publication #7452 as published in the Hutchinson Leader on Thursday, February 8, 2007.

Ms. Bowers commented on the request for a conditional use permit in the C5 district. She explained the area of the building to be used by the sign shop. She stated the request meets the standard of the ordinance. Staff approves with the following recommendations:

1. The proposed use would meet the standards for granting a conditional use permit.
2. The proposed use would be in an existing building and would comply with the standards of the C-5 district.

3. Outside storage of materials or signs is not permitted. All materials must be contained within the building. Parking of company vehicles on the site is allowed.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson, the hearing closed at 6:48 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. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held February 27, 2007, in the Council Chambers at 5:30 p.m

g) **CONSIDERATION OF ORDINANCE AMENDMENT SPECIFYING ACCESSORY BUILDING REQUIREMENTS TO PROHIBIT DETACHED GARAGES AND SECONDARY ACCESS DRIVES ON DOUBLE FRONTAGE LOTS**

Chairman Kirchoff reopened the hearing at 6:49 p.m.

Ms. Bower commented on the ordinance originally proposed. She explained staff was directed by the Planning Commission to return with another ordinance to allow detached garages on thru lots, changing the rear set back to 25'. She commented on Version 2 with the access issue of direct access through the rear yard not being permitted. Version 2 added the 25' rear setback on the thru lots.

Ms. Bowers explained Version 3 clarified the types of streets the garages could not access onto. She explained there is also a Version 3.1 which would state no access on any collector or arterial roadways.

Ms. Bowers explained the Transportation Classification map would guide the areas the accesses would be allowed.

Discussion followed on only allowing one driveway to get away from the second access onto properties.

Discussion followed on Underwood Ave. and the present driveways which have been conditioned that there may not be access in the future. There was further discussion on the older parts of the city and replacement of garages in those areas. It was noted Lynn Road rear accesses can not meet the access and setback requirement proposed. Atty. Seboria explained that the law has changed and a nonconforming buildings may be replaced if destroyed. The building may not be enlarged.

Discussion followed on the initial request. New subdivisions were the target. Ms. Bowers explained if there is nothing in the ordinance it is difficult to enforce. Discussion followed on identifying the areas by dates. Atty. Seboria again commented on the 2004 nonconformity law. There was discussion on Version 3 issues on Lynn Rd and Roberts Rd. Ms. Bowers would suggest properties platted before 1988 could be exempted.

Discussion followed regarding addressing corner lots and adding rear or side yards.

Ms. Otteson made a motion to close the hearing. Seconded by Ms. Rock, the hearing closed at 7:19 p.m. Mr. Currimbhoy made a motion to recommend approval of Version 3.1 with the changes discussed. Seconded by Ms. Otteson, the motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council regular agenda at their meeting held February 27, 2007, in the Council Chambers at 5:30 p.m.

h) **CONSIDERATION OF A LOT SPLIT AND VARIANCE SUBMITTED BY THE CITY OF HUTCHINSON FOR CONSTRUCTION OF A TUNNEL AND TRAIL LOCATED ON THE HISTORICAL SOCIETY PROPERTY**

Chairman Kirchoff opened the hearing at 7:21 p.m. with the reading of publication #7554 as published in the Hutchinson Leader on Thursday, February 8, 2007.

Ms. Bowers explained this request is related to the proposed tunnel under Hwy 7 West. She stated the City was not able to obtain a perpetual easement with the Museum. She commented on the location of the lot split which would be the construction area of the trail. She stated the lot split does not meet the requirements of the C4 district. She commented on the requirements of the lot area. She explained the lot would meet lot width but not lot depth. The average depth of the lot is close to 40 feet and must be 180'. The hardship is to reduce impact to the Museum property by making the lot 1 acre. She explained with property on a State Hwy there is not as much ability for the city to use the property.

Ms. Bowers explained this is a joint application with the museum and the City. Discussion followed on the unusual request. Atty. Seboria stated this was a struggle for city staff. Mr. Exner commented on the trail proposed and explained the reason for the size and outline of the lot split. He commented on the drainage in the area. Mr. Exner stated the applicant has had extensive conversations with the City staff. He explained if the project were next to City right-of-way the City would obtain more right-of-way to complete the project.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Otteson, the hearing closed at 7:31 p.m. Mr. Lofdahl made a motion to recommend approval of the request with the hardship of reducing the impact to the museum and staff recommendations. Seconded by Ms. Otteson, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held February 27, 2007, in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

ELECTION OF OFFICERS Mr. Lofdahl moved to nominate Ms. Otteson for Chairman. Seconded by Ms. Rock. Mr. Flaata moved nominations cease.

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Chairman Kirchoff called for the vote. The motion to elect Ms. Otteson as chairman carried unanimously.

Mr. Haugen moved to nominate Mr. Lofdahl as Vice Chairman. Seconded by Mr. Flaata. Mr. Haugen moved nominations cease. Chairman Otteson called for the vote. The motion to elected Mr. Lofdahl as vice chairman carried unanimously.

Mr. Lofdahl commented on the boulevard trees for lots. He questioned if a lot split should require trees. Ms. Bowers will review the ordinance to clarify. Discussion followed on the tree issues and clarification of the ordinance linked to sq. footage or the need for tighter development agreements.

5. OLD BUSINESS

6. COMMUNICATION FROM STAFF

Atty. Sebor commented on the orderly annexation agreements being reviewed by the City and Joint Planning Staff. He state Lynn Township has signed the City generated agreement. He distributed copies of the orderly annexation agreements for Planning Commission input next month.

Ms. Bowers stated she will do an Annual Report presentation in March.

7. ADJOURNMENT

There being no further business the meeting adjourned at 7:50 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, March 20, 2007
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: John Lofdahl, Jim Haugen, Mike Flaata, Farid Currimbhoy and Chairman Otteson Absent: Christie Rock Also present: Rebecca Bowers, Planning Director, Marc Sebor, City Attorney, John Olson, Public Works Manager and Bonnie Baumetz, Planning Coordinator

2. CONSENT AGENDA

a) Consideration of Minutes dated February 20, 2007

b) **LOT SPLIT** SUBMITTED BY BRUCE NAUSTDAL LOCATED IN RAVENWOOD WEST

Mr. Lofdahl made a motion to recommend approval of the Consent Agenda with staff recommendations. Seconded by Mr. Currimbhoy, the motion carried unanimously.

3. PUBLIC HEARINGS

a) **CONDITIONAL USE PERMIT TO AMEND THE PLANNED DEVELOPMENT DISTRICT FOR CONSTRUCTION OF TWIN HOME LOCATED AT 560/564 HILLTOP DRIVE N.E. SUBMITTED BY CROW RIVER HABITAT FOR HUMANITY** (*Tabled from February 20th meeting*)

Chairman Otteson reopened the hearing at 5:50 p.m. with the reading of publication # 7551 as published in the Hutchinson Leader on February 8, 2007.

Mr. Lofdahl abstained from the discussion.

Ms. Bowers commented on the request which was tabled from the February meeting. She explained the reasons for the conditional use permit. She reported staff met on-site with the neighboring property owner concerned with drainage from this property onto his property. Ms. Bowers stated staff discussed some of the potential drainage problems on the site. She commented on the areas of concern. Some of the issues have been resolved. She explained the setback of the proposed home is still an issue with the neighboring property owner. Staff recommends approval with following recommendations:

1. Each unit must have separate water and sewer service.

2. Parkland dedication is \$135.00 per unit and SAC/WAC is \$2,950 per unit to be collected at the time of building permit.
3. Garages must be 400 square feet or larger.
4. Specific consideration for proper drainage between the units is essential. The property owner is required to complete appropriate drainage for the site prior to final landscaping and sodding. Approval of the final grading plan shall be approved by the City Engineer.

Discussion followed on the allowable setbacks of the neighboring home. Ms. Bowers stated the lots could have had 6 foot setbacks. She stated it is common to have a 6' setback in this type of development. Discussion followed on the past actions regarding 6' setbacks. The same request was approved for other properties over the past few years. Ms. Bowers commented on the variety of home types in the development. Research of the building permits along Hilltop Drive indicate the easterly properties were 6 foot setbacks.

Mr. Olson commented on the drainage into the catch basin and a manhole in the street with sufficient drop to drain the property. He commented on the drainage from the garage roof. Options were discussed on-site were the drainage from the garage. Drainage must meet the City Engineer's approval.

Jim Tepley, 554 Hilltop Dr. asked what the setback regulations were. Atty. Sebora stated there are no set regulations in a Planned Development District. Mr. Tepley questioned if there was no standard in City of Hutchinson? He asked what the setback was on the proposed home. Ms. Bowers stated the setback will be 7' from foundation wall to the property line. Mr. Tepley stated he is concerned with drainage to the west. He reported the property to the east is 20" higher than his property and water stands on his property already in a big rain. He is concerned where the drainage will go. Mr. Tepley asked if they could build a house to a more normal setback.

Mr. Olson, Public Works Manager, commented on the discussions from the on-site visit. He stated staff looked at the existing home to the east and the design of the home. He stated ¼ to 1/3 of the garage drainage will go to the northeast. He explained there is a 6 foot easement on each side of the property line. He reported an option with regard to grading would be to put in a block retaining wall. There may be a way to drain without block. The majority of the water will go to the rear of the property. The water should be moved towards the street. Discussion followed on the proposed and existing elevations. Mr. Olson stated the elevations are current. He noted the grade is steep in this area. He explained all drainage needs approval from City Staff.

Steve Bailey, 325 Circle Dr., Crow River Habitat, commented on the back yard grading which will be lower than the neighbor to the west. He stated they could drop the sidewalk 6 inches.

Karla Cross, 555 Lincoln, Crow River Habitat, stated they would like to work with the property owners and neighbors.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 6:18 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen, the motion carried unanimously. Chairman Otteson stated she would like to add to recommendation #4 “complete appropriate drainage for the site prior to paving the driveways or sidewalks” Mr. Currimbhoy agreed to the change. Seconded by Mr. Haugen. The motion carried with Mr. Lofdahl abstaining. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held March 27, 2007 in the Council Chambers at 5:30 p.m.

b) **CONDITIONAL USE PERMIT TO ALLOW AN AUTOMOBILE REPAIR FACILITY IN THE I/C (INDUSTRIAL COMMERCIAL) DISTRICT LOCATED AT 805 HWY 7 WEST**

Chairman Otteson opened the hearing at 6:20 p.m. with the reading of publication # 7563 as published in the Hutchinson Leader on March 8, 2007.

Ms. Bowers commented on the request and location. She reported on the history of past uses on the property. She stated the I/C District requires a Conditional Use Permit for all changes of use. She explained the type of business proposed for the property. She stated they are not proposing outdoor storage. She commented on the following staff recommendation:

1. The proposed use would meet the standards for granting a conditional use permit, subject to the conditions stated.
2. No outdoor storage is permitted.
3. Paving of the driveway and parking areas must be completed by August, 2008. Parking stalls shall be striped in accordance with Zoning Ordinance standards.
4. A landscape plan must be provided and completed by September, 2008. Landscaping shall meet the requirements of Section 154.115 of the Zoning Ordinance.
5. Prohibited discharges must not be released into the sanitary or storm sewer system. All activities must comply with City, State, and Federal regulations.
6. The conditional use permit may be revoked if the applicant fails to meet these standards or violates the conditions of approval.

Ms. Bowers explained the condition for not storing abandon cars and commented on the paving of the drives and the landscaping after the Hwy 7 project is complete. She stated there will not be a huge amount of landscaping needed. She reported staff recommends approval.

Discussion followed regarding enclosed garbage and dumpster requirements. Mr. Hoops stated he plans on moving the garbage behind the office area. There was discussion on handicapped parking spaces. The applicants stated they agreed with the paved parking and driveway requirement.

Mr. Hoops stated he has no problem with moving the dumpsters. He plans on being in operation within 2 months. He stated signage will be needed.

Mr. Lofdahl made a motion to close the hearing. Seconded by Mr. Currimbhoy. The hearing closed at 6:28 p.m. Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations 1-6 and adding handicapped parking must be provided and move dumpster to the rear of the building. Seconded by Mr. Currimbhoy, the motion carried unanimously. Ms. Otteson stated this item will be placed on the City Council consent agenda at their meeting held March 27, 2007 in the Council Chambers at 5:30 p.m.

c) **VACATION OF UTILITY EASEMENTS LOCATED BETWEEN 1209 AND 1205 LEWIS AVENUE S.W. REQUESTED BY STEVE WADSWORTH, PROPERTY OWNER**

Chairman Otteson opened the hearing at 6:30 p.m. with the reading of publication # 7564 as published in the Hutchinson Leader on February 8, 2007.

Ms. Bowers commented on the request and the location. She explained there are three lots involved and a proposed addition onto the easterly lot. She commented on the number of land use actions on this property including a variance. She stated this action is a request to vacate easements. She reported it appears the property owner must combine the lots to one lot to meet Shoreland district requirements. Coverage appears to be in excess of 25%. Ms. Bowers would suggest combining the 3rd lot also which would require the platting process. She commented on the complicated issues on the lots. Ms. Bowers stated there are no apparent utilities in the easements. Staff would recommend approval with the following recommendations:

1. Lots 20 and 21 must be combined at the County before construction may begin on Lot 21. Proof of recording the lot combination must be provided with the building permit application.
2. Staff recommends that the northerly lot be combined or platted with Lots 20 and 21.
3. The applicant shall provide an updated survey identifying the existing and proposed impervious surface coverage on the subject property before any additional coverage is added to the property.
4. Any modifications to the site shall comply with shoreland district requirements.

5. Any future construction on the property must comply with Zoning Ordinance requirements.
6. Any business activities in the home and/or accessory building must comply with the requirements of the home occupation (Section 154.056 (D)).
7. Relocation of any utility services will be at property owner's expense.

Discussion followed on the shoreland district compliance. Ms. Bowers stated the shoreland district is everything 1000 feet from the lake.

Mr. Wadsworth explained the proposed office is for home use. He would not run the business from the home office. He explained using the vacant lot to the north to be in compliance with the ordinance. He stated he does not want to combine the lots. He asked, if they are combine, can he build closer to the lake. Atty. Sebora stated any building must meet regulations. Mr. Wadsworth stated he was told the two 1209 Lewis lots were to be included in the impervious surface calculations. He stated there are restrictions on the lots and he can not sell the lot by the lake unless the house goes with it. Atty. Sebora commented on the lot coverage requirements. Mr. Wadsworth stated, in 1991, he was told he could use the 3rd lot in the calculations. Discussion followed on the rules changing over the years. Ms. Bowers stated impervious surface includes all hardsurfacing. She explained there are restrictions on the 3rd lot. The restrictions include not allowing to build on the lot. There was discussion on access to the 3rd lot.

Discussion followed regarding the unbuildable lot. Ms. Bowers stated the shoreland ordinance is mandated by State regulations. She reported there is no supporting information regarding the case of using the 3rd lot in the calculation.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Flaata, the hearing closed at 6:51 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations 1,3,4,5,6,7. He stated the applicant meets the intent of the regulation. Seconded by Mr. Flaata. The motion carried with Chairman Otteson voting nay. Chairman Otteson stated this item will be placed on the City Council regular agenda at their meeting held March 27, 2007 in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

- a) **SITE PLAN SUBMITTED BY ROCKFORD CONSTRUCTION FOR CONSTRUCTION OF A FAMILY VIDEO STORE LOCATED AT 108 – 1ST AVENUE N.E.**

Ms. Bowers commented on the request and the straight forward application. She explained the location and proposed building, site plan and elevations. She reported there is a 0 foot building setback in the C3 district. She stated the applicants meet all requirements and comply with

all City requirements. She commented on the landscaping plan recommendations from the City Forester. She stated there are minor changes in the species of trees. The recommendation is agreeable with the developer. Ms. Bowers stated staff recommends approval of the request with the following recommendations:

1. The proposed building and site improvements would comply with the standards of the C3 district and the Zoning Ordinance, subject to the conditions stated.
2. Final plans shall be revised according to the City Engineer memo dated March 9, 2007. Plans must be approved by the City Engineer prior to construction.
3. Sign permits are required prior to installation of the signage.
4. Park dedication fee of \$430 will be due at the time of building permit.
5. SAC/WAC fee in the amount of \$5,900 (2 units x \$2,950) will be due at the time of building permit.
6. The City Forester recommends revising the landscape plan to: a) add two more shade trees at the NW and SW corner of the lot, b) diversify shrub planting by intermixing Prairie Petite Lilacs into the shrub line to help break up monoculture of Anthony Waterer Spirea, c) Revise the Redmond Linden species selection for shade trees to Amur Chokecherry or combine the two species to diversify.
7. Parking on Hassan Street must be re-striped according to the approved site plan along with the parking lot improvements.
8. Any sidewalk, curb, and gutter removed be replaced according to City specifications.
9. Exterior lighting must be shielded and shall not cause glare to adjacent properties.

Ms. Bowers stated this was a clean application. She reported the developer addressed all staff recommendations.

Discussion followed on the number of accesses. The easterly access is not an alley but private. There was discussion on the Hassan Street access and the building.

Doug Klang, Family Home Video, explained he is responsible for all site acquisition for Family Home Video stores. He stated he agrees with the staff recommendations and will meet or exceed requirements. He explained they will be proceeding quickly after City Council approval. He stated Hutchinson staff have been easy to deal with and this was a good experience.

Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Haugen, the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held March 27, 2007 in the Council Chambers at 5:30 p.m.

b) DISCUSSION OF ORDERLY ANNEXATION AGREEMENTS

Atty. Sebora commented on the need to share feedback. He explained the Townships are expecting a response from him and the City. He would like opinions from the Planning Commission in regard to beginning the process. Mr. Flaata stated he looked at the agreements and is not sure if this agreement would prohibit some development. Atty. Sebora stated this is the townships attorney's first try. Discussion followed on the Lynn Township agreement. Chairman Otteson stated the Lynn document is clear and precise.

c) DISCUSSION OF AMENDING THE AGENDA TO INCLUDE THE PLEDGE OF ALLEGIANCE AT PLANNING COMMISSION MEETINGS

Chairman Otteson commented on the Planning Commission beginning the meeting with the Pledge of Allegiance. There was discussion of other cities process. Mr. Flaata moved to amend the agenda to include the pledge. Seconded by Mr. Currimbhoy. The motion carried unanimously.

d) HIGHWAY 7 CORRIDOR STUDY AND PLAN

Ms. Bowers commented on the proposed study and the study area. She explained a study would help the City in protecting the highest and best uses for some of these properties along Hwy 7. She commented on the mixture of property uses along the Hwy 7 corridor. She requested the support of the Planning Commission for the study. She explained the RFP proposals are due the end of the week. She explained the Resolution by the Planning Commission in support of the study. Discussion followed regarding the possibility of grant money for the businesses to fix up their properties along Hwy 7. Ms. Bowers stated this is a possibility when the plan is in place. There will be an impact on the property owners if there is a rezoning. Mr. Lofdahl moved to approve the resolution. Seconded by Mr. Currimbhoy. The motion carried unanimously.

Ms. Bowers explained the City Council will be acting on an interim ordinance to do a temporary moratorium along the Hwy 7 corridor. She explained how that will affect certain properties and types of properties. The moratorium will be in place for 9 months to 1 year and may be extended by the City Council up to 18 months.

5. **OLD BUSINESS**

6. **COMMUNICATION FROM STAFF**

a) PRESENTATION OF ANNUAL PLANNING, ZONING AND BUILDING REPORT BY REBECCA BOWERS

Ms. Bowers will report on the annual report in the future.

7. ADJOURNMENT

There being no further business the meeting adjourned at 7:39 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, April 17, 2007
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: Christie Rock, John Lofdahl, Jim Haugen, Chris Kovacic, Mike Flaata, Farid Currimbhoy and Chairman Otteson. Absent: Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator.

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE AND INTRODUCTION OF NEW PLANNING COMMISSIONER CHRIS KOVACIC

4. CONSENT AGENDA

- a) Consideration of Minutes dated March 20, 2007
- b) **Lot Split** located at 200 Ottawa Ave. S.W. submitted by Paul Betker
- c) **Lot Split** located at 205 Ottawa Ave. S.W. submitted by Paul Betker
- d) **Lot Split** located at 210 Ottawa Ave. S.W. submitted by Paul Betker
- e) **Lot Split** located at 215 Ottawa Ave. S.W. submitted by Paul Betker
- f) **Lot Split** located at 225 Ottawa Ave. S.W. submitted by Paul Betker
- g) **Lot Split** located at 260 Ottawa Ave. S.W. submitted by Paul Betker
- h) **Lot Split** located at 270 Ottawa Ave. S.W. submitted by Paul Betker

Mr. Flaata moved to approve the consent agenda as submitted. Seconded by Mr.Currimbhoy. The consent agenda was approved unanimously.

5. PUBLIC HEARINGS

- a) **PRELIMINARY AND FINAL PLAT TO BE KNOWN AS FIRST ADDITION TO RAVENWOOD WEST SUBMITTED BY RAVENWOOD POND HOMEOWNERS ASSOCIATION**

Chairman Otteson opened the hearing at 5:35 p.m. with the reading of publication #7561 as published in the Hutchinson Leader on April 5, 2007.

Ms. Bowers commented on the request for a preliminary and final plat to divide Outlot A, which is the pond area, and add property to the seven property owners to the west of the outlot. The homeowners would like to disband the association. She explained there would be an easterly portion added to the Ravenwood South subdivision. She stated the newly

platted area would be an easement area. She also explained no construction is allowed in the airport zone. Staff would recommend approval with the following recommendations:

1. No structures of any kind shall be placed or constructed within the drainage and utility easement area or Outlot A.
2. The resolution shall be recorded on Outlot A in order to assure future developers and/or property owners are aware of conditions and restrictions.
3. Existing drainage and utility easements must remain in place.
4. Pond maintenance access must be provided from Blue Jay Drive. The applicant must provide a 20-foot drainage and utility easement over the stormwater pipe from the pond to Blue Jay Drive.
5. Property owners are responsible for maintenance of their entire lot and pond.
6. Property owners are encouraged to consider the planting of native grasses and low maintenance plantings in the area of easement up to the pond.

Ms. Bowers explained number 5 should not include the wording “the pond”. She explained the city is responsible for maintenance of the pond.

Discussion followed on the planting of native grasses around the pond. Ms. Bowers stated staff is working on education for City residents regarding the best plantings for pond areas. There was also discussion on the option uniform plantings along the pond area across the 7 lots.

Bruce Naustdal, 1175 Dale Street S.W., commented on the request and changes from the past. He stated there are presently plantings around the pond. He stated there is not association money to do uniform plantings. Ms. Bowers explained it will be difficult to enforce uniform plantings if neighbors do not agree. Discussion followed on what can be planted in the easement area.

Anita Leipke, 1235 Dale St. S.W., asked if there are any regulations for placing rock along eroding areas by the pond. Mr. Exner commented on the protection of everything in the high water level area. He explained the City needs to have a policy to protect the ponds. He stated staff will look at writing a policy. Mr. Exner stated trees and shrubs must be set back from the high water level of the pond. Discussion followed on who pays for the dredging of the ponds in the City. Ms. Rock asked what the stormwater utility fees are used for that are collected from all city residents. Mr. Exner stated the fees collected will not cover the entire costs of dredging the ponds. Discussion followed regarding the mitigation of erosion into the pond. Mr. Exner recommended a 25’ buffer strip around the perimeter of ponds with native grasses. He reported a stormwater management ordinance is in place.

Mike Leipke, 1235 Dale Street S.W., commented on the quality of homes along the pond and stated residents will take care of their property. He explained the homeowners have pride in their property.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Lofdahl. the hearing closed at 5:56 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations deleting the words “the pond” in number 5. Seconded by Mr. Lofdahl. The motion carried unanimously. Ms. Baumetz stated this item will be placed on the City Council consent agenda at their meeting held April 24, 2007, at 5:30 p.m., in the Council Chambers.

b) **VARIANCE TO ALLOW TWO DETACHED GARAGES ON A LOT LOCATED AT 1410 JEFFERSON STREET S.E.**

Chairman Otteson opened the hearing at 5:58 p.m. with the reading of publication #7572 as published in the Hutchinson Leader on April 5, 2007.

Ms. Bowers commented on the property which is a large two acre lot with a more rural development feel. It was annexed recently by the City. She explained the new garage would conform to the setback. The existing garage is non-conforming to the north property line. The existing non-conforming garage will be removed. Ms. Bowers explained the location of the new garage. She explained staff has reviewed the variance request and determined that there could be a finding of undue hardship and uniqueness due to the large size of the property (2 acres), extremely deep lot, and recent annexation. She explained the undo hardship and reported this is a reasonable request. Staff would recommend approval with the following recommendations:

1. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the very large size and depth of the property, replacement of an existing non-conforming garage, and recent annexation into the City. The circumstances were not created by the property owner and the variance would not alter the essential character of the locality.
2. The applicant shall identify the existing private storm tile line prior to construction on site. The building must not encroach over the private storm tile line.
3. The existing detached garage in the rear yard must be removed prior to final inspection of the new garage.
4. Moving or relocating of any services are at property owner's expense.

Ms. Bowers commented on the past approvals of second garage variances.

Mr. Zumach, 1410 Jefferson Street S.E., commented on his reasons for the replacement of the second garage and the change in the north property line. He explained he wants to make his property look nice. He stated this will not be a pole shed. He has talked to the neighbors.

Mr. Exner stated there is sufficient access to the pond.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:07 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations noting the hardship and uniqueness due to the large size of the property, extremely deep lot, and recent annexation status. Seconded by Mr. Flaata, the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held April 24, 2007 in the Council Chambers at 5:30 p.m.

c) **CONDITIONAL USE PERMIT TO ALLOW FIREWORKS TENT SALES LOCATED IN WALMART PARKING LOT AT 1300 HWY 15 SOUTH**

Chairman Otteson opened the hearing at 6.09 p.m. with the reading of publication #7573 as published in the Hutchinson Leader on April 5, 2007.

Ms. Bowers explained the request which is a yearly request. She commented on the location of the tent and the site plan. She commented on the dates of tent display. Staff recommends approval with the following recommendations:

1. Display must be kept secured.
2. Signage requires a separate permit.
3. Access must be from the internal parking lot.
4. The permit is allowed from June 18, 2007 to midnight July 9, 2007.

The police and fire departments have had no problems with the tent sales. Ms. Bowers stated the tent is manned 24 hours to avoid problems.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Rock the hearing closed at 6:12 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Rock, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held April 24, 2007 in the Council Chambers at 5:30 p.m.

d) **VARIANCE TO ALLOW A 19' CORNER SIDE YARD SETBACK WHERE 25' IS REQUIRED FOR AN ADDITION TO A NON-CONFORMING HOUSE AT 340 – 5TH AVENUE S.W.**

Chairman Otteson opened the hearing at 6:13 p.m. with the reading of publication #7574 as published in the Hutchinson Leader on April 5, 2007.

Ms. Bowers commented on the request and explained the proposed construction. She stated the existing home is non-conforming. The new addition will be approximately 19 feet from the corner side property line. She commented on the large boulevard which is unique to the property. She explained the property's unique conditions and the request is reasonable. She stated no reasonable addition could be made without a

variance. Staff recommends approval of the request with the following recommendations:

1. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the small lot size, existing nonconforming setback due to construction prior to modern zoning regulations, large boulevards, and small rear yard that would not allow a reasonable addition within current regulations. The circumstances were not created by the property owners and the variance would not alter the essential character of the locality
2. The property owner shall verify the location of the private tile line prior to construction on site.
3. Relocation of any services will be at the property owner's expense.
4. The driveway shall be paved with the construction of the garage.
5. Drainage shall be contained on-site and may not affect neighboring properties.
6. The lot coverage may not exceed 50% of the total area of the lot.

Jim Lowinske, 340-5th Ave. S.W., stated he does plan on cementing the driveway in the future. The entire house will be remodeled and resided, new windows, etc. He has no issues with the paved driveway recommendation. Discussion followed regarding the average setbacks of the properties along Grove Street. Ms. Bowers stated no site lines will be affected to the intersection with this addition.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:20 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations noting the hardship of the small lot size, the existing non-conforming setback due to construction prior to modern zoning regulations, the large boulevard and the small rear yard that would not allow a reasonable addition within current regulations. Seconded by Mr. Flaata, the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held April 24, 2007 in the Council Chambers at 5:30 p.m.

e) **AMENDMENT TO ZONING ORDINANCE ADDING WIND ENERGY CONVERSION SYSTEM LANGUAGE**

Chairman Otteson opened the hearing at 6:21 p.m. with the reading of publication #7575 as published in the Hutchinson Leader on April 5, 2007.

Ms. Bowers presented the ordinance. She stated it is based on a model ordinance and explained it is technical and the moratorium will end the end of June. She explained she will write another energy ordinance for other alternative energy options. She explained the definitions, application procedures, zoning districts permitting the turbines and setback requirements. She commented on the logic for R1 and R2

permitting the turbines to allow schools, churches or other larger uses that are allowed in the residential districts to use wind turbines.

Discussion followed on what size lot would allow a wind turbine. There was discussion regarding the correct definition of substation KV or KW. Staff will research and correct if necessary.

Ms. Bowers stated there may be changes to the ordinance in the future.

There was discussion on the standards to be used.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Haugen the hearing closed at 6:44 p.m. Mr. Lofdahl made a motion to recommend approval of the request with the correction noted if needed. Seconded by Mr. Haugen, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held April 24, 2007 in the Council Chambers at 5:30 p.m.

6. **NEW BUSINESS**

7. **OLD BUSINESS**

a) Update on Hwy 7 Study Area Project

Ms. Bowers updated the Planning Commission on the City Council action regarding the reduced study area and the 6 month length of the moratorium. She reported the second reading will take place next week. She stated Landform Consulting was selected as the consultant. She explained the next step will be to set up meetings. She asked for two Planning Commission volunteers to serve on the advisory panel. She explained the up front involvement will be 4 meetings over 6 months plus two open houses. Chris Kovacic and Lynn Otteson volunteered to serve on the committee. Jim Haugen volunteered to be the City Council representative. Ms. Bowers stated the kickoff meeting will be held the end of April or beginning of May.

b) Annual Planning, Zoning and Building Report by Rebecca Bowers

Ms. Bowers gave the annual report.

c) Shoreland Management seminar – Chair Otteson commented on the seminar she attended given by the Government Training Services.

8. **COMMUNICATION FROM STAFF**

9. **ADJOURNMENT**

There being no further business the meeting adjourned at 7:10 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, May 15, 2007
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: Christie Rock, John Lofdahl, Jim Haugen, Lynn Otteson, Mike Flaata, Chris Kovacic and Chairman Otteson. Absent: Farid Currimbhoy Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

a) Consideration of Minutes dated April 17, 2007

Mr. Flaata moved to approve the minutes of April 17, 2007, as submitted. Seconded by Ms. Rock. The minutes were approved unanimously.

4. PUBLIC HEARINGS

a) **VARIANCE TO REDUCE CORNER SIDE AND FRONT SETBACKS FOR ADDITION TO HOUSE LOCATED AT 447 ERIE STREET S.E.**

Chairman Otteson opened the hearing at 5:33 p.m. with the reading of publication #7583 as published in the Hutchinson Leader on May 3, 2007.

Ms. Bowers commented on the request and noted there will be two additions to the non-conforming house needing a variance. She explained the setback requirements of 25 feet. The house is approximately 17 feet from the south and west property lines. She commented on the need for the additions to improve the flow of the house. She stated the proposed garage will not need a variance if located as shown on the present survey.

Ms. Bowers reminded the commissioners to consider the standards for granting a variance including undue hardship and a reasonable request. She stated this is a reasonable request.

Staff recommends approval with the following recommendations:

1. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the corner lot

with large boulevards and the lack of adequate room to construct any addition to improve the entrances to home within the current setbacks. The circumstances were not created by the property owners and the variance would not alter the essential character of the locality.

2. Impervious surface coverage must not be more than 50% of the lot area. The applicant should be aware of the coverage maximum in considering future improvements into their plans.
3. Any relocation of gas or electric service will be at the property owner's expense.

Dave Mielke, 447 Erie Street S.E., commented on the coverage being less than 50%. He stated he will remove the existing garage and replace with a retaining wall. He commented on the other houses' setbacks. He noted the home was built in the late 1940's. Mr. Mielke explained the present and future layout of the home.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Flaata, The hearing closed at 5:40 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations with the stated hardship of the large boulevards and no regulations when the house was constructed. Seconded by Mr. Haugen. The motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held May 22, 2007 in the Council Chambers at 5:30 p.m.

b) **VARIANCE TO REDUCE CORNER SIDE SETBACK FOR REPLACEMENT OF GARAGE AND EXISTING PORCH LOCATED AT 447 HURON STREET S.E.**

Chairman Otteson opened the hearing at 5:41 p.m. with the reading of publication #7583 as published in the Hutchinson Leader on May 3, 2007.

Ms. Bowers explained the request stating a variance is required for the proposed garage and to replace an existing non-conforming porch. She reported this request is similar to the previous request. She explained this property has a non-conforming house and garage. A variance is needed along the southern property line. She stated the driveway for the new garage will be from the alley. Ms. Bowers reported staff recommends more than a 3 foot setback for the garage and she commented reasonable requests and undue hardship.

Staff recommends approval with the following recommendations:

1. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the existing nonconforming setback and large boulevards. The circumstances were not created by the property owners and the variance would not alter the essential character of the locality.
2. Lot must not cover more than 50% with impervious surface.

3. The porch shall not encroach into the right of way and no overhangs or steps are permitted into the right of way.
4. Any relocation of gas or electric service will be at the property owner's expense.
5. Plans shall be revised to provide a 10' corner side yard setback to the garage, rather than the 3' requested, prior to issuance of a building permit.
6. The existing garage must be removed prior to construction of the new garage on site.

Discussion followed on the existing cement area. Ms. Bowers stated they will be removing some of the concrete for backyard area and keep access on 5th but reduce the concrete size. The garage driveway will be from the alley. Discussion followed regarding the porch overhang not to be encroaching over the right of way.

Mr. Brown, property owner, explained the need to create a private backyard space. He explained he will change the entrance to the porch to come in from the east and eliminate the south sidewalk to the porch. The new garage will have a cement driveway from the alley.

Mr. Lofdahl made a motion to close the hearing. Seconded by Ms. Rock, the hearing closed at 5:50 p.m. Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations noting the hardship meets hardship standards and previous decisions. Seconded by Mr. Haugen, the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held May 22, 2007, in the Council Chambers at 5:30 p.m.

c) **CONDITIONAL USE PERMIT TO AMEND THE PLANNED DEVELOPMENT DISTRICT AND SEVEN LOT SPLITS LOCATED IN KOTTKE COURT SUBMITTED BY HAGEN BUILDERS**

Chairman Otteson opened the hearing at 5:52 p.m. with the reading of publication #7583 as published in the Hutchinson Leader on May 3, 2007.

Ms. Bowers commented on the request to amend the planned development district and split the seven lots for twin home development in a previously platted subdivision by another developer. The present owner is requesting a new housing style. She explained all lots will be split at one time. She explained the revisions to the set backs. She stated the setbacks are measured to the unit lot not the curb. The houses will be 25 feet to the street. She commented on the changes in the previous recommendations. There is a small area between the retaining wall and the building for drainage purposes. If a swale is not feasible, draintile inlets or piping must be used.

Staff recommends approval with the following recommendations:

1. The setbacks for the development shall be 10 feet from the front lot line, 8' from the rear lot line, and 6' from the side lot line. Setbacks shall be measured from the unit lot line. A minimum 50' structure setback is required from the ordinary high water level.
2. The applicant shall verify the face of wall location and elevations of the retaining wall on the north side of the development, including the elevation of the top and bottom of the wall.
3. The applicant shall verify the proposed drainage along the north property line. If an appropriate drainage swale is not feasible between the wall and the northerly lots then necessary drainage facilities such as drantile inlets and piping shall be constructed.
4. Applicant shall revise the grading plan to identify the descriptions of the common areas to include the correct lot and block descriptions, rather than as outlots A & B as shown on the grading plan.
5. No decks, porches, or patios will be allowed outside the unit lots on lots 1 and 2 to allow property drainage along the wall.
6. Grills will not be allowed where there is a roof above the open deck area.
7. It must be disclosed to prospective buyers that City owned areas across the river are heavy industrial properties, including HATS facility, compost site, and a training and shooting range.
8. Fees shall be paid prior to issuance of building permits and as required by the subdivision agreement in effect.
9. All conditions of the Preliminary and Final Plat shall remain in effect, unless specifically revised by resolution.

Discussion followed of the drainage needs in a tight area. Mr. Exner commented on the boulder retaining wall. His recommendation is a tile with inlets. Ms. Bowers stated the plan has not changed. Mr. Exner stated the drainage must be provided to staff. There was discussion on the lots being less than 5000 sq. ft. Ms. Bower explained that was part of the original PDD. She stated there is sufficient area in the total development.

Mike Hagen, Hagen Builders, clarified the drainage issue 5-6 feet from lot line to the face of the wall. They are planning on using tile with inlets to take water to the back. Mr. Hagen explained the house design may be changed and they will maintain the setback. Discussion followed on the possibility of meeting the setback with a different house plan. There was also discussion on the use of Outlot B and the uses allowed. Mr. Hagen asked for an explanation of number 7. Ms. Bowers stated the other subdivisions in the area have the same requirements to disclose to buyers the City owned activities across the river that could create noise and odor.

Mr. Hagen explained the four back lots will be walkouts. Lots 1,2 and 7 will be slab on grade.

Ms. Bower explained there is flexibility within the lots as long as the setbacks are maintained. Mr. Hagen explained there will not be roofs over any of the decks.

Dennis Boncquet, 1355 Jefferson, questioned if the wetland area would be destroyed. Ms. Bowers explained she would encourage the developer to leave the wetlands as is. Mr. Hagen stated his intention is to keep as much natural habitat as the City will allow.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Lofdahl, the hearing closed at 6:15 p.m. Ms. Rock made a motion to recommend approval of the request with staff recommendations amending #5 to allow additions on units 1 and 2 if they meet the 8 foot setback. Seconded by Mr. Flaata, the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held May 22, 2007 in the Council Chambers at 5:30 p.m.

5. NEW BUSINESS

a) **FINAL PLAT TO BE KNOWN AS EXCELSIOR ADDITION SUBMITTED BY JEFF MUNSELL**

Ms. Bowers commented on the plat and the location of the site. She stated there are very few changes from the preliminary plat.

Staff reviewed the plat and it meets the requirements. They recommend approval of the final plat with the following recommendations:

1. The plans shall be revised to comply with the required revisions and comments listed in the City Engineer's memorandum dated April 30, 2007. Final plat approval is subject to City Engineer's approval.
2. A variance was previously approved for lot depth between Block 1, Lots 1&2 and 4&5.
3. Construction on the lots must meet the setback and coverage requirements of the R-2 zoning district.
4. The location of garages and driveways shall be coordinated to align garages and driveways to minimize utility conflicts and maximize green space. Lots 1 & 2 and 4 & 5 shall have their driveways aligned to the side of the lot along the shared lot line.
5. A subdivision agreement will be required prior to approval of the final plat. Fees shall be paid in accordance with this agreement. Escrow for the cost of two trees per lot (10 trees) shall be paid prior to signing the final plat.
6. A stop sign will be required at California and Alaska Court and will be included as a requirement in the subdivision agreement.
7. The applicant will coordinate with adjacent property owners and the project surveyor regarding identification of the property lines and any necessary relocation of accessory buildings that encroach onto the subject property. No building permits will be issued for these lots until the relocation of the accessory buildings has been completed.

Discussion followed on the City park trail which encroaches onto Mr. Munsell's lots. The City will work with the developer on the moving of the trail. Mr. Exner reported there is approximately 200 feet of trail to be moved.

Mr. Flaata made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Lofdahl, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held May 22, 2007 in the Council Chambers at 5:30 p.m.

b) SITE PLAN FOR FARMERS MARKET PAVILION

Ms. Bowers commented on the application from the Hutchinson EDA and explained the location of the pavilion area within the public right of way. She commented on the site plan and the use. Mr. Seppelt gave an overview of the plan from the downtown master plan. He stated the EDA would like this project completed in 2007. He explained this is a public structure in the public right-of-way. Mr. Seppelt explained there are 3 elements to the proposal. There will be a structure along 1st Ave, one on the corner and one along Hassan Street. He commented on the corner element and the size and height of the pavilion. He stated the pavilion will be 10 feet in height. He explained he discussed the proposed size and height with the street dept. for snow removal. Rain gutters will be placed on the structure. The structure will be used by the Farmer's Market vendors. There will be 18 spaces for vendors. Mr. Seppelt explained the pavilion will look similar to the structures in Library Square. Discussion followed on the parking spaces. It will be used primarily for the Farmer's Market and may also be used for other activities. He explained this is an amenity for the Arts and Crafts Festival. The intent is to put electrical power in the structures. The pavilion will be owned by the City and the City can rent it out. The EDA will fund it from the downtown loan fund. Discussion followed on the cost. Mr. Seppelt stated the project must meet the budget. He explained that using City Staff will help minimize the cost.

Discussion followed on the need for the Planning Commission to review site plans. There was also discussion on the need for a franchise agreement. Ms. Bowers and Atty. Seborá will research the franchise agreement question. Mr. Seppelt commented on the rules in place for the Farmer's Market.

Ms. Rock made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Kovacic, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held May 22, 2007 in the Council Chambers at 5:30 p.m.

- c) **RESOLUTION** OF THE CITY OF HUTCHINSON PLANNING COMMISSION FINDING THAT A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 4 AND A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 4-15 CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY

Ms. Bowers commented on the request for the Planning Commission to provide a recommendation for the Modification to the TIF District.

Mr. Seppelt explained the request and the property acquired by the EDA on 5th Ave SE. He stated the EDA approved a spec building for the site. He explained the need for a TIF district to help pay for the project. The Planning Commission must review the request to confirm it will fit with the over all plan for development of the community. The TIF money would stay with the property. Mr. Seppelt explained the TIF district taxing to the properties. He commented on the makeup of the proposed building.

Ms. Rock moved to approve the request. Seconded by Mr. Lofdahl. The motion carried unanimously.

- d) **REVIEW OF CONDITIONAL USE PERMIT REQUIREMENTS FOR NEW DIMENSION PLATING, 540 – 3RD Ave. N.W**

Atty. Seborá explained the item and updated the Planning Commission on the Conditional Use Permit granted in 1994 to New Dimension Plating. He explained the requirements at that time. He stated with the expansion of Montana Street it became apparent some of the requirements have not been met. The City is working with the current property owner to resolve the matter. Discussion followed on how the recommendations are enforced. Atty. Seborá will keep the commissioners informed.

6. **OLD BUSINESS**

7. **COMMUNICATION FROM STAFF**

- a.) Ms. Bowers updated the Commission on the Hwy 7 Corridor Study open house to be held on June 6th from 6-8 p.m. She explained Landform is working on background materials.

8. **ADJOURNMENT**

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

**MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, June 19, 2007
Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: Chris Kovacic, John Lofdahl, Jim Haugen, Mike Flaata, Farid Currimbhoy and Chairman Otteson. Absent: Christie Rock
Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer, Marc Sebora, City Attorney and Bonnie Baumetz, Planning Coordinator

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- a) Consideration of Minutes dated May 15, 2007

Mr. Lofdahl made a motion to approve the minutes dated May 15, 2007. Seconded by Mr. Kovacic. The motion carried unanimously.

- b) Lot splits at 1170 and 1180 Bluejay Drive S.W. in Ravenwood West
c) Lot split for a lot line adjustment between 1350 and 1360 Jefferson Street S.E.

Ms. Bowers commented on the lot split requests. She explained the Ravenwood West request for twin homes. She explained the lot line adjustment request on Jefferson Street.

Mr. Lofdahl moved to approve the consent agenda as submitted with staff recommendations. Seconded by Mr. Currimbhoy. The consent agenda was approved unanimously.

4. PUBLIC HEARINGS

- a) CONDITIONAL USE PERMIT REQUESTED BY PROVESTA FOR CONSTRUCTION OF A BUILDING ADDITION AT 35 ADAMS STREET N.E.

Chairman Otteson opened the hearing at 5:42 p.m. with the reading of publication #7592 as published in the Hutchinson Leader on Thursday, June 7, 2007.

Ms. Bowers commented on the request and explained the minor addition of 800 sq. ft. in the I/C District and Flood Plain. She reviewed the request and the requirements. She explained the placement of the addition.

Ms. Bowers reported on additional review information obtained from the DNR Hydrologist. The addition is required to be either: 1) elevated above the regulatory flood protection elevation, 2) wet-flood proofed or 3) dry-flood proofed. The conditions required are as follows:

1. The addition must be constructed under the following conditions:
 - a) elevated above the regulatory flood protection elevation, or,
 - b) wet flood-proofed, or
 - c) dry flood-proofed. Construction of the addition must be in accordance with the flood plain regulations in the Zoning Ordinance and subject to review by the Department of Natural Resources (DNR).
2. An as-built certification after construction of the addition shall be verified. Additional verifications may be required by the DNR Hydrologist.
3. Building permit approval is required prior to any construction.
4. The applicant is encouraged to improve the parking and drive aisle arrangement by marking parking and improving loading area signage and/or locating additional parking on adjacent properties.

Tim Smith, representing the applicant, provided background on their operations and reasons for the addition. He stated the addition would be a “wet environment” with a containment tank for overflow protection and would be wet-flood proofed with elevated electrical.

Ms. Bowers reported staff was concerned with the existing parking arrangement and truck loading occasionally blocking Bluff Street. There was discussion on the possibility of improvement in the orderliness of parking and consideration of using adjacent sites for parking.

Discussion followed on the word “encourage” in the recommendation also, the parking problems on the site. Ms. Bowers explained the parking problems cannot be a requirement for this conditional use permit. She stated the addition is not changing anything regarding parking.

Tim Smith, Provesta, stated they are considering options for parking improvements. There are 32 maximum employees on a shift, which requires a minimum of 32 spaces by ordinance. The applicant stated there are 44 total spaces, including 26 paved spaces and approximately 18 unmarked spaces on gravel. Ms. Bowers stated, based upon staff review, it appears that the spaces may not meet requirements as many are unmarked and the drive-aisles and setbacks do not appear to comply. Mr. Smith explained they will change to a larger loading door to allow trucks a wider radius for on-site maneuvering. He reported there are less than one truck a day unloading in this area. Also discussed was the need for cleaning up debris and items stored outside.

Discussion followed on the parking problems and the addition of a roundabout in the area. There was further discussion on the debris on the property to cleanup. Mr. Smith said they will work on the clean up.

Ms. Bowers explained the as-built requirement. Mr. Smith explained the wet proofing of the area. Ms. Bowers commented on eliminating flood problems.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:10 p.m. Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy, the motion carried unanimously. Ms. Otteson stated this item will be placed on the City Council consent agenda at their meeting held June 26, 2007 in the Council Chambers at 5:30 p.m.

b) PRELIMINARY AND FINAL PLAT FOR HAHN'S ADDITION TO MARYVIEW, LOCATED AT 880 LAKEWOOD DRIVE S.W., SUBMITTED BY VERN HAHN

Chairman Otteson opened the hearing at 6:11 p.m. with the reading of publication #7592 as published in the Hutchinson Leader on Thursday, June 7, 2007.

Ms. Bowers commented on the request and the location of the plat. She commented on the history of the plat. She stated the three lots are one property. She explained the plat is a new lot created for a single family construction. She noted a kennel and fence must be moved off the new lot. This property is subject to the shoreland district requirements and the lot exceeds the requirements. She commented on the existing stormwater easement which has been recently recorded on the property. Staff reviewed and recommends approval with the following conditions:

1. Construction on the property must comply with the shoreland district requirements and the standards of the R1 zoning district. No variances are granted or implied.
2. Moving or relocating services will be at property owner's expense. Separate services are required.
3. Park and playground dedication in the amount of \$215 is required to be paid prior to issuance of building permit.
4. Payment for planting of two boulevard trees per lot at \$200 per tree is required (total of \$400) for the subdivision. As there will be no subdivision agreement prepared for this small plat, the fee will be collected with the building permit fees. The location of the trees shall be planted in the boulevard in a location determined by the City Forester.
5. SAC/WAC (Sewer and Water Access Charge) in the amount of \$2,950 is due at the time of building permit.
6. The existing City assessments (SA-294D) on the property shall be divided and paid as follows: a) 1/3 of the existing City assessments shall be paid prior to release of the final plat for the new one-lot plat, and b) 2/3 of the existing assessment will remain on 880 Lakewood Drive S.W. (Lots 8 & 9, Maryview).
7. In the future, if work on the storm sewer pipe on the northerly property line of Lot 10 is needed, consideration should be given to

straightening out the storm sewer line and revising the easement accordingly.

Discussion followed on the number of existing trees on the site.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Haugen, the hearing closed at 6:19 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Flaata, the motion carried unanimously. Ms. Otteson stated this item will be placed on the City Council consent agenda at their meeting held June 26, 2007 in the Council Chambers at 5:30 p.m.

c) ZONING ORDINANCE AMENDMENT TO ADD SOLAR STRUCTURES AND WIND ENERGY CONVERSION SYSTEMS AS EXCEPTIONS TO HEIGHT LIMITATIONS

Chairman Otteson opened the hearing at 6:20 p.m. with the reading of publication #7592 as published in the Hutchinson Leader on Thursday, June 7, 2007.

Ms. Bowers explained the technical addition to the zoning ordinance to clean up the code. She reported on the height of solar structures.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:22 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Lofdahl, the motion carried unanimously. .

5. NEW BUSINESS

a) SCHEDULE SPECIAL PLANNING COMMISSION MEETING FOR SITE PLAN REVIEW FOR CUSTOMER ELATION CALL CENTER ON 5TH AVENUE S.E.

Mr. Seppelt explained the request and the need for a special meeting. He stated the company will create 200 new jobs. He reported the timeline is tight with the building to be ready for occupancy in January, 2008. He stated he is looking at a meeting the week of July 4th for site plan review.

Ms. Bowers stated the site plan review does not require a public hearing. Mr. Flaata, Mr. Lofdahl, Mr. Haugen and Mr. Currimbhoy are available for a meeting on Monday, July 2nd, 2007, at 5:30 p.m. Mr. Lofdahl will chair the meeting. Mr. Seppelt will hand deliver the packets on Friday, June 29, 2007. There will also be an email reminder.

6. OLD BUSINESS

There was discussion regarding a decrease in water pressure on the North side of the City since the new Water plant began operation.

7. **COMMUNICATION FROM STAFF**

a) UPDATE ON HIGHWAY 7 CORRIDOR STUDY

Ms. Bowers commented on the study. She reported the advisory panel will meet on July 12, 2007. She stated we are approximately $\frac{1}{4}$ of the way through plan. The Open House summary was distributed.

8. **ADJOURNMENT**

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

**MINUTES
HUTCHINSON PLANNING COMMISSION
SPECIAL MEETING
Monday, July 2, 2007
Hutchinson City Council Chambers**

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

The meeting was called to order by Vice Chairman John Lofdahl at 5:30 p.m. with the following members present: Vice Chairman John Lofdahl, Jim Haugen, Mike Flaata and Farid Currimbhoy Absent: Chris Kovacic, Christie Rock and Chairman Lynn Otteson Also present: Rebecca Bowers, Planning Director, Miles Seppelt, EDA Director, and Bonnie Baumetz, Planning Coordinator

2. CONSENT AGENDA

a) Consideration of Minutes dated June 19, 2007

Mr. Flaata moved to approve the consent agenda as submitted. Seconded by Mr. Currimbhoy. The consent agenda was approved unanimously

3. PUBLIC HEARINGS

a) SITE PLAN REVIEW FOR CUSTOMER ELATION CALL CENTER ON 5TH AVENUE S.E.

Ms. Bowers explained the proposed site plan for the 22,200 sq. ft. call center building. She stated EDA submitted the application. She commented on the location and zoning. The property is zoned I-1 and located south of Warrior Manufacturing property. She commented on the updated site plan and explained possible future expansion. She explained Arch Street is a gravel surface. Half of Arch Street is in City limits and half is a Township road. She commented on concerns by the property owner to the south to allow trucks exiting on Arch Street. She reported the turn-around for trucks will not work on the site and the City Engineer would recommend a "right out" on Arch Street. A 30' access drive will be allowed off 5th Avenue S.E. She commented on the landscape plans and her discussions with the City Forester. Additional calculations for stormwater ponds must be provided to the Engineer. Ms. Bowers commented on the conditions as follows in the revised resolution:

1. The proposed building and site improvements would comply with the standards of the I-1 district and the zoning ordinance, subject to the conditions stated.
2. Information on stormwater calculations and stormwater outfall is required. Review and approval by the City Engineer will be

- required prior to construction. Planting of native grasses around the pond is recommended.
3. Approvals by the County and township are required for stormwater drainage into the County ditch.
 4. A truck turnaround or right out access for trucks exiting from the truck dock onto Arch Street appears to be necessary to allow adequate maneuvering from the loading dock. Final plans are subject to City Engineers review and approval.
 5. Future development of the westerly parcel must access 5th Avenue at the current Arch Street location, which will provide the second access for expansion of the building. No additional access onto 5th Avenue is permitted.
 6. NPDES permit is required and additional detail is required for erosion control. Plans must be reviewed and approved by the City Engineer.
 7. Plans shall be revised to provide the required handicapped parking spaces.
 8. Plans shall be revised to show parking stall and drive aisle dimensions to comply with zoning ordinance requirements.
 9. All signage shall meet ordinance requirements. Sign permits are required prior to installation of the signage.
 10. Exterior lighting must be indirect and shall not cause glare to adjacent properties.
 11. SAC/WAC fee in the amount of \$23,600 (8 units x \$2,950) will be due at the time of building permit.
 12. The final landscaping plan shall be submitted to and approved by the City Forester. A berm and landscaped buffer screen shall be planted along the southern property line to provide screening from the property to the south. Tree plantings shall be completed before July 2008.

Discussion followed regarding only allowing semi-truck traffic to exit onto Arch Street. Smaller delivery trucks would use the 5th Ave exit. There was also discussion on the landscaping of the property. This property would have more landscaping than required with the screening necessary along the south property line. Ms. Bowers explained the property will be EDA property and leased to the call center. There was further discussion regarding a berm on the south side of the property.

Discussion followed on the parking space sizes and drive aisles. Mr. Reinsour stated the parking spaces will be 9 feet wide. He explained there is expected to be less than one truck per week using the Arch Street exit.

Mr. Seppelt explained the accesses from Warrior Mfg. He commented on the parking needed and the overlapping shifts. Mr. Seppelt stated the first soil borings were good. He commented on the time line. He explained the project will be bid the first week in August.

Mr. Flaata made a motion to recommend approval of the request with staff recommendations 1-12. Seconded by Mr. Currimbhoy, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held July 10, 2007 in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

5. OLD BUSINESS

6. COMMUNICATION FROM STAFF

Ms. Bowers commented on the July 17th agenda.

7. ADJOURNMENT

There being no further business the meeting adjourned at 5:48 p.m.

**MINUTES
HUTCHINSON PLANNING COMMISSION
SPECIAL MEETING
Monday, July 2, 2007
Hutchinson City Council Chambers**

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

The meeting was called to order by Vice Chairman John Lofdahl at 5:30 p.m. with the following members present: Vice Chairman John Lofdahl, Jim Haugen, Mike Flaata and Farid Currimbhoy Absent: Chris Kovacic, Christie Rock and Chairman Lynn Otteson Also present: Rebecca Bowers, Planning Director, Miles Seppelt, EDA Director, and Bonnie Baumetz, Planning Coordinator

2. CONSENT AGENDA

a) Consideration of Minutes dated June 19, 2007

Mr. Flaata moved to approve the consent agenda as submitted. Seconded by Mr. Currimbhoy. The consent agenda was approved unanimously

3. PUBLIC HEARINGS

a) SITE PLAN REVIEW FOR CUSTOMER ELATION CALL CENTER ON 5TH AVENUE S.E.

Ms. Bowers explained the proposed site plan for the 22,200 sq. ft. call center building. She stated EDA submitted the application. She commented on the location and zoning. The property is zoned I-1 and located south of Warrior Manufacturing property. She commented on the updated site plan and explained possible future expansion. She explained Arch Street is a gravel surface. Half of Arch Street is in City limits and half is a Township road. She commented on concerns by the property owner to the south to allow trucks exiting on Arch Street. She reported the turn-around for trucks will not work on the site and the City Engineer would recommend a "right out" on Arch Street. A 30' access drive will be allowed off 5th Avenue S.E. She commented on the landscape plans and her discussions with the City Forester. Additional calculations for stormwater ponds must be provided to the Engineer. Ms. Bowers commented on the conditions as follows in the revised resolution:

1. The proposed building and site improvements would comply with the standards of the I-1 district and the zoning ordinance, subject to the conditions stated.
2. Information on stormwater calculations and stormwater outfall is required. Review and approval by the City Engineer will be

- required prior to construction. Planting of native grasses around the pond is recommended.
3. Approvals by the County and township are required for stormwater drainage into the County ditch.
 4. A truck turnaround or right out access for trucks exiting from the truck dock onto Arch Street appears to be necessary to allow adequate maneuvering from the loading dock. Final plans are subject to City Engineers review and approval.
 5. Future development of the westerly parcel must access 5th Avenue at the current Arch Street location, which will provide the second access for expansion of the building. No additional access onto 5th Avenue is permitted.
 6. NPDES permit is required and additional detail is required for erosion control. Plans must be reviewed and approved by the City Engineer.
 7. Plans shall be revised to provide the required handicapped parking spaces.
 8. Plans shall be revised to show parking stall and drive aisle dimensions to comply with zoning ordinance requirements.
 9. All signage shall meet ordinance requirements. Sign permits are required prior to installation of the signage.
 10. Exterior lighting must be indirect and shall not cause glare to adjacent properties.
 11. SAC/WAC fee in the amount of \$23,600 (8 units x \$2,950) will be due at the time of building permit.
 12. The final landscaping plan shall be submitted to and approved by the City Forester. A berm and landscaped buffer screen shall be planted along the southern property line to provide screening from the property to the south. Tree plantings shall be completed before July 2008.

Discussion followed regarding only allowing semi-truck traffic to exit onto Arch Street. Smaller delivery trucks would use the 5th Ave exit. There was also discussion on the landscaping of the property. This property would have more landscaping than required with the screening necessary along the south property line. Ms. Bowers explained the property will be EDA property and leased to the call center. There was further discussion regarding a berm on the south side of the property.

Discussion followed on the parking space sizes and drive aisles. Mr. Reinsour stated the parking spaces will be 9 feet wide. He explained there is expected to be less than one truck per week using the Arch Street exit.

Mr. Seppelt explained the accesses from Warrior Mfg. He commented on the parking needed and the overlapping shifts. Mr. Seppelt stated the first soil borings were good. He commented on the time line. He explained the project will be bid the first week in August.

Mr. Flaata made a motion to recommend approval of the request with staff recommendations 1-12. Seconded by Mr. Currimbhoy, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held July 10, 2007 in the Council Chambers at 5:30 p.m.

4. NEW BUSINESS

5. OLD BUSINESS

6. COMMUNICATION FROM STAFF

Ms. Bowers commented on the July 17th agenda.

7. ADJOURNMENT

There being no further business the meeting adjourned at 5:48 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, July 17, 2007
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, John Lofdahl, Jim Haugen, Mike Flaata, Farid Currimbhoy and Chairman Otteson. Absent: None Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

a) Consideration of Minutes dated July 2, 2007

Mr. Lofdahl moved to approve the consent agenda as submitted. Seconded by Mr. Currimbhoy, the consent agenda was approved unanimously.

4. PUBLIC HEARINGS

a) PRELIMINARY AND FINAL PLAT (ONE LOT) JENSEN SECOND ADDITION AND VACATION OF DRAINAGE AND UTILITY EASEMENT

Chairman Otteson opened the hearing at 5:35 p.m. with the reading of publication #7599 as published in the Hutchinson Leader on July 5, 2007.

Ms. Bowers commented on the request and explained the history of the properties, lot arrangements and location of the plat. She commented on the shoreland property regulations. She explained a new home has been approved to begin construction on the existing lot which was platted in 2006, subject to not exceed the 25% coverage maximum allowed in the shoreland district. She commented on the 25% lot coverage requirement for both the new and old lots. Staff requested a survey for the existing Jensen home lot, however it has not yet been provided. There are options if the old lot does not meet the requirement, such as reducing the amount of coverage or removing area from the plat to add to the existing home site. The new lot would meet requirements for lot area and width. She commented on the staff conditions as follows:

1. The plat must comply with the requirements of the R-2 zoning district, subdivision requirements, and the shoreland district requirements.

2. Prior to the City signing the final plat, the applicant shall provide a survey to demonstrate that the 25% maximum is not exceeded on the existing Jensen home site. If the property exceeds the 25% impervious coverage, the applicant will need to either remove hardcover or revise the plat to allocate additional property to the westerly site, subject to meeting the requirements of the zoning ordinance.
3. Relocation of utility services is required prior to vacation of easements. The relocation and any fees will be at property owner's expense.
4. An easement of 20 feet on each side of the sanitary line to the north shall be provided to the City prior to the City signing the final plat for recording.

She explained that the vacation of easements is no longer be necessary for construction of the new home and the applicant may withdraw that portion of the application. Services would need to be relocated before the easements could be vacated.

Discussion followed on the driveway easements with the property to the west for the drives that cross the subject property.

Mr. Jensen explained the lot configuration and what was purchased by the Jensen's. He commented on the history of the property to the north and the process to the platting. He commented on the options he would have. He stated he does not need to vacate the easement and will withdraw the request for vacation of easements. He stated he will provide an easement to the city for the sanitary line to the north. He explained he will amend the plat to include a 10 foot strip north to the lake which will remain with the original lot.

Ms. Bowers explained the complexity of the property history and the changes and commented on the changes which would require the original lot to maintain the 25% coverage requirement. She commented on past correspondence in the file. She stated the new plat should comply with all regulations.

Discussion followed on the original plat being a nonconforming lot.

Mr. Jensen stated that the plat would conform to the requirements. There was discussion on the coverage of the lots. Jeff Rauch, surveyor, explained the location of the 10 foot strip. Discussion continued on the existing lot coverage and changing the plat. Atty. Seboria stated the percentages must not be exceeded, on both lots, in the end. There was further discussion on the need for the existing lot to meet the lot coverage standards. Mr. Jensen stated if the 10 foot strip is placed back on the existing lot the lot coverage does not have to be met. Discussion followed. Chairman Otteson stated this is an opportunity to make both lots conforming. Mr. Jensen stated there are many nonconforming lots on the river in the city.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Lofdahl the hearing closed at 6:08 p.m. Mr. Flaata made a motion to recommend approval of the request removing recommendation #3 and adding, “the existing structure pass as a nonconforming lot and the plat should be revised to include the 10 foot strip to the north with the existing lot”. Seconded by Mr. Haugen, the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held July 24, 2007, in the Council Chambers at 5:30 p.m.

b) AMEND SECTION 154.067 OF THE ZONING ORDINANCE ADDING SCHOOLS TO THE CONDITIONALLY PERMITTED USES IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT

Chairman Otteson opened the hearing at 6:09 p.m. with the reading of publication #7599 as published in the Hutchinson Leader on July 5, 2007.

Ms. Rock abstained from discussion and voting.

Ms. Bowers commented on the request and explained the change in the text proposed by the charter school. She explained the request should include all schools. She reminded the Commissioners to look at the I-1 district as a whole. She noted, if approved, the individual site will be discussed at the conditional use permit public hearing. Chairman Otteson reminded the audience the Commissioners will not be discussing a particular site at this time.

Ms. Bowers commented on the existing ordinance and permitted uses and conditionally permitted uses. She explained the difference between a permitted use and conditional use. Planning Commission should consider the consistency with the comprehensive plan. She stated that the applicant considers the charter school learning style to benefit from uses within industrial districts. She pointed out the potential impacts in the packet as follows:

- Consistency with Comprehensive Plan
- Intent of I-1 (Light Industrial) zoning district
- Characteristics of industrial uses, such as noise, truck traffic, appearance, safety issues, etc.
- Conflicts between industrial truck traffic with buses and vehicles dropping off/picking up students
- Noise, smell, and potential environmental impacts of industrial uses on outdoor play areas
- Expansion of existing industrial uses in the future
- Future development of vacant industrial property and inability to restrict permitted uses
- Potential for conflict and complaints from school and parents regarding industrial uses and traffic surrounding the school.

Ms. Bowers explained the Commissioners should consider future impacts and complaints. She commented on the other cities surveyed and the

many different responses. Discussion followed on the changes in schools. She explained the existing ordinance allows K-12 schools in most residential and commercial districts with a conditional use permit. Trade and Vocational schools are allowed in the industrial district with as permitted use.

There was discussion on the trend to allow non-traditional schools in light industrial or business park districts in other cities. Ms. Bowers explained the Commissioners should consider future use and expansions of surrounding properties. Discussion followed on the conditionally allowed uses of adult oriented uses and tattoo parlors in the industrial districts.

Tim Ulrich, 14568 155th St., representing a group of investors, commented on the appropriate area for this type of facility to be constructed. There is a proposed 15 yr. lease of the building to the school.

Dave Conrad, 1110 Lewis Ave, representing the New Century School and Montessori New Discoveries School, stated this is an opportunity for a home for the school. He explained New Century has been in an industrial area leased from HTI for 5 years. He stated the charter schools are financially sound and enrollment is strong in Hutchinson. He commented there are indicators of future viability.

Discussion followed on the neighboring uses. Mr. Conrad stated the same questions have been asked by the school. He explained the concerns with safety near the elevator would not be not much different than HTI. He stated the school takes safety seriously. There are plans in place to deal with potential hazards. He commented on the potential benefits of expanding for high school students. He stated elementary students will be separated from the high school students. The school focuses on the specific needs of the age groups. Mr. Conrad stated buffering will aid in addressing safety. The type of existing industry in the area does not concern the school. He explained the lease will have options to be re-evaluated. They are looking at the present and future of the school. The current leases are for one year.

There was discussion on property availability in the community for the school. Luann Hoffman, parent, New Discoveries, stated this is an opportunity to combine the elementary and high school which is an attraction for her. Jack Yates, 20404 205th Crt., representing HTI, commented on the lease with the school. He stated it has worked well with the school in HTI. There have been no issues from the industrial standpoint. He explained there are plans that the school must follow in an emergency. Plan, prepare, train and be ready in case of emergency. Another benefit is for the parents that work at the industry with children in the school.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Lofdahl. Discussion followed on the request. Ms. Bowers commented on that schools are currently allowed as conditional uses in most residential

and commercial districts. She stated that the Commission should state their findings in their recommendation to Council and a resolution would be drafted accordingly. The hearing closed at 6:45 p.m. Discussion followed on allowing churches and day care facilities in the I-1. Ms. Bowers cautioned on expansion of the request at this time and reiterated that uses should be consistent with the purpose and goals of the industrial district. Mr. Flaata made a motion to recommend approval of the request to add “schools” as a conditional use to the I-1 district with the conditions as follows:

1. The amendment would be consistent with the intent of the Comprehensive Plan as allowing schools as a conditional use in the I-1 district would aid in training students and would be complementary to industrial uses.
2. The change in the ordinance to add schools in I-1 is necessary to modernize the ordinance to reflect the changing times and nature of education.

Seconded by Mr. Haugen. The motion carried with a roll call vote Mr. Currimbhoy, Chairman Otteson, Mr. Haugen and Mr. Flaata voting aye. Mr. Kovacic and Mr. Lofdahl voting nay. Ms. Rock abstained. Ms. Bowers stated this item will be placed on the City Council regular agenda at their meeting held July 24, 2007, in the Council Chambers at 5:30 p.m.

Mr. Ulrich stated he did include the District 423 in the discussions.

c) **CONDITIONAL USE PERMIT TO ALLOW CONTRACTING BUSINESS IN THE C5 DISTRICT LOCATED AT 261 – 3RD AVE. N.W.**

Chairman Otteson opened the hearing at 6:53 p.m. with the reading of publication #7599 as published in the Hutchinson Leader on July 5, 2007.

Ms. Bowers explained the need for a conditional use permit in the C5 district. She stated any use change requires a conditional use permit. She commented on the location and stated there will be no exterior building changes. They will remodel the interior for a construction business. The site has been cleaned up and is now vacant. She explained the site is within the Hwy 7 corridor study and in the moratorium area. The proposed use meets requirements. Staff would recommend approval with the following recommendations:

1. The proposed use would be in an existing building and would comply with the standards of the C-5 district.
2. Outside storage of materials is not permitted. All materials must be contained within the building. Parking of company vehicles on the site is allowed.
3. The parking area shall be paved within 6 months of approval. Construction of the parking area shall comply with the requirements of the Zoning Ordinance, including parking stall and drive aisle dimensions.
4. Sign permits are required prior to installation of any signage.

5. No encroachment into the State right-of-way is allowed.

Discussion followed allowing licensed company vehicles parked outside including trailers and trucks. Ms. Bowers stated outdoor storage is materials, etc.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Lofdahl, the hearing closed at 6:59 p.m. Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Currimbhoy, the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held July 24, 2007, in the Council Chambers at 5:30 p.m.

5. NEW BUSINESS

- a) SITE PLAN REVIEW FOR O'REILLY AUTO PARTS STORE TO BE LOCATED AT 1500 HWY 15 SOUTH

Ms. Bowers explained the location and the lot of record. She commented on the C4 zoning. She stated they provided a clean site plan that meets the required setback and parking requirements. Revisions recommended by staff include removing the easterly access near Highway 15, which is specified in the City Engineer's memorandum. Discussion followed on the proposed and future access in and out of the site. Staff recommended approval with following conditions and fees:

1. The proposed building and site improvements would comply with the standards of the C-4 district and the Zoning Ordinance, subject to the conditions stated.
2. Final plans shall be revised according to the City Engineer memo dated July 10, 2007. Plans must be approved by the City Engineer prior to construction. Approval of the City Engineer is required prior to any excavation, grading, or construction on site.
3. Sign permits are required prior to installation of the signage.
4. Park dedication and trail fee in the amount of \$6,000 will be due at the time of building permit. The City will construct the trail along the easterly property line
5. SAC/WAC fee in the amount of \$7,375 (2.5 units x \$2,950) will be due at the time of building permit.
6. The City Forester recommends revising the landscape plan to diversify the tree plantings. Landscape plan must be reviewed and approved by the City Forester.
7. Exterior lighting must be shielded and shall not cause glare for adjacent properties.

Discussion followed on the continuation of the trail along the east side of the property as the sites develop in the area. The Commission discussed the loading areas. Staff stated that the loading areas are adequate.

Mark Wold, representative for O'Reilly, stated they would agree with removing the easterly access but the westerly access cannot be cut off with a median in the future. He stated this store will work for the area. He commented on the present location being tight for parking.

Ms. Rock made a motion to recommend approval of the resolution with staff recommendations. Seconded by Mr. Lofdahl, Mr. Exner commented on the removal of the east access. He stated the City will not place a median at the westerly access to prohibit traffic. There is an easement for accessing the southerly properties in the future. The motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held July 24, 2007, in the Council Chambers at 5:30 p.m.

b) LOT SPLIT SUBMITTED BY KEN COTE TO SPLIT A SHORELAND PARCEL INTO TWO LOTS

Ms. Bowers commented on the proposed lot split, which is located within the 100 year floodplain and is subject to the shoreland district requirements and flood plain requirements. She reported the DNR Hydrologist recommendation was to deny the proposed construction in the 100 year flood plain. She commented on the city flood plain buy out project that was funding largely by DNR funds and was used to remove structures from the flood plain. She commented the applicant has discussed alternative building methods to be used to elevate the home above the regulatory flood plain elevation. Staff stated the DNR recommends denial due to the fact that the property is not suitable in it's natural state for building without extraordinary measures. Staff compiled conditions prepared in the event the commissioners would approve the request.

Ms. Bowers explained the road was not platted as right of way. The City has been maintaining the road. The road should be deeded to the City or platted. Discussion followed on the construction proposed for building methods out of the flood plain.

Mr. Cote, property owner, explained his intent to retire on this property. He addressed the DNR concerns. He stated he will get engineered designs to minimize the impact of the structure. The existing lot will meet the requirements of the City. Mr. Cote explained the proposed design of the structure will meet all City requirements. He addressed the elevation and with suitable construction, the building would be elevated 3' above the 100 year flood plain. He stated he will hire an engineer when he receives approval of the lot split.

Concerns were raised by some Commissioners allowing a lot split with an existing garage and no principle building. Another concern was with the site line changing with raising the new home. Mr. Cote intends to build a retirement type home on the new lot. He stated the existing home would have to be considerably remodeled to make it livable. There was discussion of the concerns with splitting the lot.

Mr. Cote asked if the council would consider remodeling the existing home and remodeling the existing garage to a home. Ms. Bowers would not recommend this due to the proximity to the shoreline and high water level. Discussion followed regarding the recommendation by the DNR. There was further discussion on the existing garage if the lot is split. Mr. Cote addressed the concern by stating he would put money in a fund for removal if allowed.

Atty. Sebor commented that the ordinance does not allow an accessory structure without a primary structure. Ms. Bowers stated a recommendation could be to remove the garage before construction of the home.

Mr. Cote stated he will employ an architect and engineer to meet requirements. He stated the existing neighbors have been informed. He will provide everything necessary to conform. He would like to begin construction in Spring 2008 and move into the house in the Fall of 2008.

Ms. Bowers explained the DNR does understand a structure can be constructed if elevated above the 100 year flood plain, however it is also a policy issue to be decided by the City. Discussion followed on the age and condition of the shed. Mr. Cote stated the shed is approximately 25 years old.

There was further discussion regarding the possible conditions if allowing the lot split with an accessory building on the new lot.

Mr. Cote explained he would get soil borings and engineered drawings. He was asked by the Commissioners to provide renderings or photos of the type and square footage of the building proposed for staff review.

Mr. Lofdahl made a motion to table to next month. Seconded by Mr. Currimbhoy, the motion carried unanimously.

6. **OLD BUSINESS**

7. **COMMUNICATION FROM STAFF**

8. **ADJOURNMENT**

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

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, August 21, 2007
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: Farid Currimbhoy, Chris Kovacic, Christie Rock, John Lofdahl (5:40 p.m.), Jim Haugen and Chairman Otteson. Absent: Mike Flaata Also present: Rebecca Bowers, Planning Director, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

a) Consideration of Minutes dated July 17, 2007

Mr.Haugen moved to approve the consent agenda as submitted. Seconded by Ms Rock, the consent agenda was approved unanimously

4. PUBLIC HEARINGS

a) **CONDITIONAL USE PERMIT TO MOVE A HOUSE AND GARAGE TO 165-5TH AVE. N.W. REQUESTED BY PAUL AND ROSE BOLDDUC**

Chairman Otteson opened the hearing at 5:32 p.m. with the reading of publication #7605 as published in the Hutchinson Leader on August 9, 2007.

Ms. Rock abstained from the discussion and voting.

Ms. Bowers commented on the request and explained the need for a conditional use permit when moving a house to a platted lot within city limits. She commented on the large easement area and drainage concerns in the area. She stated the setbacks will be met as shown in the survey. She reported staff have met with the applicants and the excavator/contractor. She commented on the staff conditions and recommendations as follows:

1. A pre-move inspection of the house and garage by the Building Department is required prior to moving any structures onto the site. All required work must be completed before a certificate of occupancy will be issued.
2. Approval of a moving permit is required prior to moving any structures. The applicant shall comply with Section 150.20 of the City Code regulating the moving of buildings, including details on the dates of moving, hours, rerouting, movement, parking, and appropriate fees.

3. The property must comply with the standards of the R2 (Single and Two family residential) zoning district. No variances are granted or implied.
4. The lowest building opening must be at or above 1071 feet, to allow an elevation at least 2 feet above the pond elevation, which is planned to be approximately 1069 feet.
5. Building Department approval of the fill and building pad is required prior to construction. Soil correction may be needed to provide a suitable building pad.
6. Structures must be placed on suitable fill. Existing fill located on the site cannot be used for building area.
7. The property owners are advised that the subject property and surrounding properties have had drainage issues in the past. Construction of the stormwater pond on site is proposed to provide storage of stormwater and the site is likely to have standing water on site.
8. No structures, grading or fill will be allowed in the drainage and utility easement. All construction work, including grading and sloping, must be done outside of the easement area.
9. Property owners are responsible for all labor and material costs if needed for moving overhead lines or other utilities during and after the house move.

Discussion followed on the assessments for the trees and SAC/WAC fees. Ms. Bowers stated this is a legal lot which was platted many years ago and there will be no tree or park dedication fees. She reported SAC/WAC is charged with the building permit.

There was discussion on the large amount of soil corrections needed for the site. There will be no room to pile the excess dirt for soil correction on the site.

There were comments from adjacent property owners with questions and concerns over drainage in the area. The area has long term issues with drainage and standing water. Staff stated that the pond to be constructed will provide stormwater holding capacity and that the new structure will be required to have all building openings two feet higher than the pond elevation. Another neighbor asked why another pond was needed and didn't feel that drainage was enough of a problem to construct another pond in the city. Discussion continued on stormwater drainage and the functions of holding ponds.

The applicant clarified that he would build a garage on site, instead of moving a garage to the property. Also discussed were the elevations of adjacent property compared to the subject site and pond. Staff stated that a large amount of fill would need to be removed from the site and that no stockpiling or grading will be allowed within the easement area.

Mr. Kovacic made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 5:54 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. After

expressing caution to the applicants regarding drainage and fill issues on the site the motion was seconded by Mr. Kovacic. The motion carried with Ms. Rock abstaining. Ms. Otteson stated this item will be placed on the City Council consent agenda at their meeting held August 28, 2007, in the Council Chambers at 5:30 p.m.

- b) **CONDITIONAL USE PERMIT, SITE PLAN, AND VACATION OF EASEMENTS TO ALLOW A CHARTER SCHOOL IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT AT 1000/1010 5TH AVE S.E.**

Chairman Otteson opened the hearing at 5:56 p.m. with the reading of publication #7605 as published in the Hutchinson Leader on August 9, 2007.

Ms. Bowers explained the components to the application. She stated the ordinance was amended last month to allow schools in the I-1 District. She explained the location of the proposed school. She explained the two parcels must be consolidated and a vacation of the easements must be given. She commented on the request and the following standards for a conditional use permit as follows:

- (a) 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) 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) 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.

Ms. Bowers stated that stormwater and drainage plans were recently provided and have not been reviewed by the City Engineer. The revised plans were provided after the staff report was written for the site plan, building elevation, and floor plans. The revised floor plan identifies a 2-foot larger building than shown on the site plan, which will need to be revised to show the side yard and parking setbacks would still be met. Several changes to the drive-aisles, parking and drop-off areas recommended at the one-stop shop have been incorporated into the revised site plan, however will require additional review and approval by the City Engineer.

The landscape plan has not been finalized as the school wants to work with the City Forester to develop the plan as a learning exercise for students. The Commission recommended the required landscaping and buffering be completed by November 2008.

Ms. Bowers stated the main issues have been addressed and commented on the following staff recommendations noting number 10 must be completed by the Commisisoners:

1. The proposed building and site improvements must comply with the standards of the I-1 district and the Zoning Ordinance, subject to the conditions stated. No variances are granted or implied.
2. Stormwater calculations and plans must be submitted and approved by the City Engineer prior to any construction on site.
3. A private easement will be required from the property to the west for the benefit of the subject property and the EDA site to the east to allow a drainage swale or stormwater pipe to be constructed to direct drainage to the regional pond. The applicant will be responsible for preparing and obtaining the necessary easements.
4. City Engineer's approval of the final construction plans is required prior to any excavation, grading, or construction on site.
5. Review and approval by the City Engineer and Planning Director of the final parking arrangement and site circulation is required prior to construction.
6. The applicant should be aware that unusual pedestrian crossings, reduced speed signs or special turning lanes are not recommended due to the industrial uses in the area and truck traffic on 5th Avenue.
7. The two parcels must be tax combined at the County prior to approval of the building permit for construction of the building.
8. Sign permits are required prior to installation of the signage.
9. SAC/WAC fee in the amount of \$47,200 (16 units x \$2,950) will be due at the time of building permit.
10. Landscape plan must be reviewed and approved by the City Forester. Landscaping shall be completed by _____ 2008.
11. Details on the fence construction and approval of a fence permit are required prior to construction.
12. Exterior lighting must be shielded and shall not cause glare to adjacent properties.

There were several comments from the public in addition to representatives from the Charter school and investors. Representatives of Hutchinson Co-op expressed concerns about their business next to a school, stating the nature of their business is noisy and dusty, with heavy truck and farm traffic. He said that they would not be the best neighbor to a school. Another Co-op representative questioned how the school would affect the future development of the industrial park, particularly the Stritesky property to the south.

The applicants stated they understand the potential issues with operating in an industrial area and that Hutchinson residents are used to rural businesses with the associated smells, dust, noise, etc. They will try to be a reasonable neighbor with the industry near them and will work with the Coop to identify the issues and develop plans to deal with challenges.

Traffic levels were also discussed in comparison to other areas with schools, such as School Road. The applicants stated they would not encourage children to walk or bike to school unless there was a dedicated safe route.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Lofdahl the hearing closed at 6:32 p.m. Discussion followed on the recommendation regarding landscaping to be completed by November 2008. Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations including 1-13 on the draft resolution noting the verbage “required landscaping and buffering be completed by November, 2008”. Seconded by Mr. Haugen, the motion carried with Ms. Rock abstaining from the vote. Mr. Haugen made a motion to recommend approval of the ordinance to vacate drainage and utility easements between the lots to be developed. Seconded by Mr. Currimbhoy, the motion carried with Ms. Rock abstaining from the vote. Ms. Otteson stated this item will be placed on the City Council agenda at their meeting held August 28, 2007, in the Council Chambers at 5:30 p.m.

c) ZONING ORDINANCE AMENDMENT REGARDING NON-CONFORMING USES AND STRUCTURES

Chairman Otteson opened the hearing at 6:41 p.m. with the reading of publication #7605 as published in the Hutchinson Leader on August 9, 2007.

Ms. Bowers explained the change is a State requirement. This ordinance will bring the City into compliance. The change is beneficial to property owners and mortgage companies. Discussion followed on the changes.

Mr. Haugen made a motion to close the hearing. Seconded by Mr. Kovacic the hearing closed at 6:45 p.m. Mr. Lofdahl made a motion to recommend approval of the request. Seconded by Mr. Currimbhoy, the motion carried unanimously. The item will be placed on the City Council consent agenda at their meeting held August 28, 2007.

5. **NEW BUSINESS**

6. **OLD BUSINESS**

a) LOT SPLIT AT 1316 DELAWARE STREET N.W. (TABLED FROM PREVIOUS MEETING)

Ms. Bowers explained the item was tabled at the July 17th meeting in order for the applicant to provide additional information discussed by the Commissioners at length. She commented on the staff recommendations as follows:

1. Construction on both lots shall comply with the shoreland district and requirements of the R-2 Zoning district. No variances are granted or implied.
2. Lot split shall be recorded at the County prior to issuance of any building permit.
3. Impervious surface shall not exceed 25% on either lot. A survey documenting all impervious surface coverage will be required prior to issuance of any building permit.
4. The area containing Delaware Street from Hwy 7, including Outlot A, shall either be deeded to the City or Riverside Addition be replatted to show appropriate right of way for a public street.
5. SAC/WAC fees in the amount of \$2,950 must be paid at the time of building permit.
6. Park fees in the amount of \$175 must be paid at the time of building permit.
7. Tree fees in the amount of \$400 (2 trees per lot x \$200) must be paid at the time of building permit
8. Moving or removing of any utility services, if necessary, will be at property owner's expense.
9. The property owners are responsible for updating and recording their property deeds and survey at McLeod County prior to submitting a building permit for the new lot.

Discussion followed regarding the drawing provided by Mr. Cote showing an example of the proposed post and girder construction to elevate the home out of the 100 year flood plain. Mr. Cote did not attend the meeting, however provided a drawing as an example. If the lot split is approved, he will need to hire an architect and engineer to design the structure to meet requirements. He also provided the proposed impervious surface coverage on the lot, which would be approximately 24% and would meet the 25% maximum allowed.

The Commission discussed whether the lot split should be allowed with the detached garage on the new lot. The detached garage is considered non-conforming as it does not meet the 50' structure setback required in the shoreland district ordinance. Additionally, accessory buildings are not allowed without the house as a primary structure. The Commission also discussed previous problems in allowing a lot split with an accessory building on a lot, in which no home was later constructed on the lot. Additional discussion occurred on requiring the garage to be removed prior to the lot split being approved and recorded at the County. The Commission stated that removing the nonconforming garage should be required as a condition of approving the lot split for the new home. A larger attached garage could also be constructed by the applicant if needed.

Also discussed was the recommendation for denial by the DNR and whether the city should allow the creation of new residential lots and homes to be built within the 100 year flood plain. The Commission also discussed if there was any regulations to preserve views of the lake.

Staff stated there is a 25' building height maximum allowed in the shoreland district, but no other regulations to preserve views.

Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations adding condition number 10 "The applicant shall remove the detached garage from the proposed new lot prior to recording the lot division at McLeod County and prior to submitting a building permit for the new lot." Seconded by Ms. Rock, the motion carried unanimously. This item will be placed on the City Council agenda at their meeting held August 28, 2007.

- b) HIGHWAY 7 CORRIDOR STUDY UPDATE. SET JOINT CITY COUNCIL AND PLANNING COMMISSION WORKSHOP FOR OCTOBER 9 AT 4:00 P.M. TO DISCUSS PROGRESS ON STUDY

Ms. Bowers updated the commissioners on the progress of the committee and asked if they could meet with the consultants and the City Council on October 9th at 4:00 p.m. The Planning Commissioners are in favor of the meeting.

7. COMMUNICATION FROM STAFF

Ms. Bowers stated the MnAPA Conference is Sept 26 – 28 and there is money available for two Commissioners to attend this year. After discussion, Mr. Currimbhoy and Mr. Lofdahl agreed to attend. Ms. Baumetz will make the reservations next week.

8. ADJOURNMENT

There being no further business the meeting adjourned at 7:06 p.m.

**MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, September 18, 2007
Hutchinson City Council Chambers**

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, John Lofdahl, Jim Haugen, Mike Flaata, Farid Currimbhoy and Chairman Otteson. Absent: None Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

a) Consideration of Minutes dated August 21, 2007

Mr. Lofdahl moved to approve the consent agenda as submitted. Seconded by Ms. Rock. The consent agenda was approved unanimously.

4. PUBLIC HEARINGS

a) VARIANCE TO ALLOW CONSTRUCTION OF A SECOND GARAGE LOCATED AT 331 MONROE STREET S.E.

Chairman Otteson opened the hearing at 5:30 p.m. with the reading of publication #7611 as published in the Hutchinson Leader on September 6, 2007.

Ms. Bowers commented on the request to allow a second detached garage. She explained the existing garage is very small and not much larger than the requirements for a large shed. The proposed garage will meet the setback requirements and lot coverage. The existing garage is non-conforming due to the 4 foot side yard setback. Kent Exner, City Engineer and Ms. Bowers reviewed the grades and possible drainage concerns. Ms. Bowers commented on the following staff recommendations:

1. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the existing small size and height of the garage built prior to modern zoning ordinances with a nonconforming side yard setback. The circumstances were also not created by the property owners and the proposed garage would not alter the character of the locality.
2. Total impervious surface coverage of the lot may not exceed 50%. Total accessory building coverage in the rear yard may not exceed 25%.

3. The applicant shall update the survey to show the location and size of the driveway and the proposed grades and elevations for the garage in relation to adjacent property to show drainage across the property. Approval of the City Engineer is required prior to approval of the building permit.
4. Gutters must be installed on the garage to direct drainage onto subject property and away from adjacent property.
5. Construction of the garage shall meet the standards of the zoning ordinance, including setbacks and height, in the R-2 zoning district.
6. Removal and relocation of natural gas and electric will be at property owner's expense.
7. No construction is allowed over any utilities, including natural gas or electric lines.

She stated staff would recommend approval of the request noting the hardship of the size and height of the existing non-conforming garage. She reported the request meets the standards of granting a variance.

Discussion followed on what constitutes an attached garage.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Kovacic the hearing closed at 5:38 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations and the hardship of the size and height of the existing non-conforming garage. Seconded by Mr. Currimbhoy, the motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held September 25, 2007 in the Council Chambers at 5:30 p.m.

b) LOT SPLIT AND VACATION OF DRAINAGE AND UTILITY EASEMENTS LOCATED AT 330 OTTAWA AVE S.E.

Chairman Otteson opened the hearing at 5:39 p.m. with the reading of publication #7611 as published in the Hutchinson Leader on September 6, 2007.

Ms. Bowers explained the request to allow a larger home on the east lot which is 340 Ottawa Ave S.E. She commented on the vacation and rededication of the drainage and utility easements. She stated these lots will remain single family lots. She commented on the following staff recommendations:

1. The proposed lot split would meet the standards of the R-2 zoning district, subject to the conditions stated.
2. A drainage and utility easement must be dedicated along each side of the interior property line.
3. All other existing drainage and utility easements shall remain in place.
4. The applicant is responsible for recording the lot split at the McLeod County Recorder's office.

Ms. Bowers clarified that the lots were platted as single family lots and would have single family homes constructed on each. Also discussed was the process and requirement to plat versus when lot divisions are permitted. Ms. Bowers stated a lot split, which is essentially a lot line adjustment in this case, is allowed under the existing subdivision regulations.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Kovacic the hearing closed at 5:50 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Rock, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held September 25, 2007 in the Council Chambers at 5:30 p.m.

5. NEW BUSINESS

6. OLD BUSINESS

7. COMMUNICATION FROM STAFF

Ms. Bowers reminded the Planning Commission of the Hwy 7 joint meeting with the City Council October 9th.

8. ADJOURNMENT

There being no further business the meeting adjourned at 5:54 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, October 16, 2007
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, Mike Flaata, Jim Haugen and Chairman Otteson. Absent: John Lofdahl and Farid Currimbhoy Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer and Bonnie Baumetz, Planning Coordinator

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- a) Consideration of Minutes dated September 18, 2007

Mr. Flaata moved to approve the consent agenda as submitted. Seconded by Mr. Kovacic. The consent agenda was approved unanimously

4. PUBLIC HEARINGS

- a) VACATION OF DRAINAGE AND UTILITY EASEMENTS LOCATED IN BLOCK 2, GOEBEL'S ADDITION BETWEEN LOTS 4 AND 5 REQUESTED BY HUTCHINSON EDA

Chairman Otteson opened the hearing at 5:34 p.m. with the reading of publication #7617 as published in the Hutchinson Leader on Thursday, October 4, 2007.

Ms. Bowers commented on the request by the Hutchinson EDA to vacate drainage and utility easements along the property line between lots 4 and 5 to allow for future development of the two lots as one site. She explained the easements were placed along the lot lines with the plat for Goebel's Addition. The City recently approved a similar request to vacate the easements along the center lot lines for construction of the Charter School property to the west. She stated the property will be most likely be replatted. Future actions will be required as the development moves forward. Staff recommends approval noting additional actions in the future.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Rock, the hearing closed at 5:35 p.m. Ms. Rock made a motion to recommend approval of the request. Seconded by Mr. Kovacic, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held October 23, 2007, in the Council Chambers at 5:30 p.m.

- b) VACATION OF A PORTION OF THE DRAINAGE AND UTILITY EASEMENTS LOCATED IN LOT 2, BLOCK 2, HUTCHINSON FIFTH AVENUE INDUSTRIAL PARK REQUESTED BY HUTCHINSON EDA

Chairman Otteson opened the hearing at 5:38 p.m. with the reading of publication #7617 as published in the Hutchinson Leader on Thursday, October 4, 2007.

Ms. Bowers explained the request by the Hutchinson EDA to vacate a portion of an existing drainage and utility easement to allow construction of additional parking on the southerly portion of the site. She reviewed the location of the property.

She explained the 50 foot strip is to be vacated for parking. Staff reviewed the request in relationship to the pond and recommended approval.

Mr. Exner commented on the past location of the easement and pond area. He approves the vacation proposal. He stated the outlet goes to the County ditch. The drainage in the area has been coordinated with the County.

Mr. Kovacic made a motion to close the hearing. Seconded by Ms. Rock the hearing closed at 5:41 p.m. Ms. Rock made a motion to recommend approval of the request. Seconded by Mr. Flaata, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held October 23, 2007, in the Council Chambers at 5:30 p.m.

5. NEW BUSINESS

Ms. Bowers reported there may need to be a change in meeting date for the December meeting due to the holidays in order to finish the Highway 7 Corridor study before the end of December. Staff will contact Commissioners with possible dates.

Ms. Bowers reminded the commissioners that the open house for the Hwy 7 Study will be held on November 1, 2007. Mr. Flaata moved to set the November 1st open house as a meeting. Seconded by Mr. Kovacic the motion carried unanimously.

6. OLD BUSINESS

There was discussion on the joint meeting with the City Council and the consultant's feedback regarding direction to the planning commissioners on the Hwy 7 Study area. Ms. Bowers stated there will need to be a comprehensive plan update along with Zoning Ordinance revisions. She stated that work concerning the moratorium area will be done first quarter of 2008, however the implementation of over-all zoning amendments will take time over the next year. The work plan will be done in January.

7. COMMUNICATION FROM STAFF

8. ADJOURNMENT

There being no further business the meeting adjourned at 5:53 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, November 20, 2007
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Lynn Otteson at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, John Lofdahl, Jim Haugen, Mike Flaata, Farid Currimbhoy and Chairman Otteson. Absent: None Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer and Marc Sebor, City Attorney

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

a) Consideration of Minutes dated October 16, 2007

Mr. Lofdahl moved to approve the consent agenda as submitted. Seconded by Mr. Haugen. The consent agenda was approved unanimously

4. PUBLIC HEARINGS

a) VARIANCE REQUESTED BY THE OAKS FOR PLACEMENT OF A 212 SQ. FT. GAZEBO IN FRONT YARD LOCATED AT 945 CENTURY AVE. SW

Chairman Otteson opened the hearing at 5:35 p.m. with the reading of publication #7623 as published in the Hutchinson Leader on November 8, 2007.

Ms. Bowers presented the request for a variance to allow construction of a 212 sq. ft. gazebo in the front yard between The Oaks and The Pines Assisted Living facilities. The variance is needed to allow the construction of an accessory building in a front yard and a second accessory building with a size larger than 192 sq. ft. The applicant states that they need to have the gazebo in the front yard in order to be in close proximity to both facilities.

Ms. Bowers reported, in reviewing the request, staff finds that the request meets the standards for granting a variance, including a finding of undue hardship and uniqueness due to placement of The Oaks building at an angle on an unusually shaped lot and due to the need to place the gazebo in a location that can be used by both facilities. Additionally, the request would not alter the character of the locality as the gazebo would be an added amenity to the property. She commented on the following staff recommendations:

1. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the need for availability of the gazebo to both facilities and the unusually shaped lot. The unique characteristics of the property were not created by the applicant and the proposed gazebo would not alter the character of the locality.
2. Construction of the gazebo shall meet all other standards for accessory buildings in the Zoning Ordinance, with the exception of the variance granted.
3. Removal and relocation (if necessary) of natural gas and electric will be at property owner's expense.
4. No construction is allowed over any utilities, including natural gas or electric lines.

The Commission stated that a hardship should be added for the size of the structure, in addition to the hardship for placement in the front yard. After discussing the need for the size over 192 sq. ft., the Commission stated the hardship for allowing a 212 sq. ft. gazebo would be the geometry of the octagon shape and functionality of the gazebo. Staff will make the change to the resolution.

Mr. Lofdahl made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 5:45 p.m. Mr. Flaata made a motion to recommend approval of the request with staff recommendations noting the hardship and uniqueness due to placement of The Oaks building at an angle on an unusually shaped lot and due to the need to place the gazebo in a location that can be used by both facilities. A hardship was also found for the size of the structure over 192 sq. ft, due to the geometry of the octagon shape and functionality of the gazebo. Seconded by Mr. Haugen the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held November 27, 2007 in the Council Chambers at 5:30 p.m.

- b) **CONDITIONAL USE PERMIT REQUESTED BY BEANS PLUS, INC. TO ALLOW A CHILD CARE CENTER/SCHOOL IN THE C-5 DISTRICT LOCATED AT 267 – 4TH AVE NW**

Chairman Otteson opened the hearing at 5:50 p.m. with the reading of publication #7623 as published in the Hutchinson Leader on November 8, 2007. Commissioner Lofdahl stated he would abstain from this item due to a personal conflict.

Ms. Bowers commented on the request for a conditional use permit for a child care center/school at 267 – 4th Ave S.W. (formerly the Jehovah's Witness Kingdom Hall). She stated the property was zoned from R-2 to C5 in February, 2007. She explained Beans Plus operates the child care center at Ridgewater College, which has a waiting list for enrollment. This property would be an expansion site with approximately 5 full time positions. They anticipate receiving licensing for 8 infants, 14 toddlers

and 20 preschoolers. Hours of operation will be from 6:00 a.m. – 6:30 p.m. Monday – Friday.

Ms. Bowers stated conditional use permits are required for any change of use in existing buildings in the C-5 district. She reviewed the standards for conditional use permits. The proposed parking exceeds requirements and has adequate parking for employees, parents and visitors. A fenced playground is also proposed.

Staff reviewed the proposal at the planning staff meeting and did not raise any concerns over the proposed use. Staff recommends approval of the CUP, with the following findings and conditions:

1. The proposed use would be meet the standards for granting a conditional use permit and would comply with the standards of the C-5 district.
2. The building must meet Building and Fire Codes for a day care prior to occupation.
3. Approval of a sign permit is required prior to installation of any signage.
4. Approval of a fence permit is required prior to installation of any fencing.

The applicant spoke on their daycare proposal and provided additional information on the fenced playground, entrances, and security.

Janet Meier, 472 Kouwe St. NW, said she supports the daycare proposed by Beans Plus, however expressed a concern over the steepness of Kouwe Street, particularly in the winter when it is icy. The applicant stated they would make sure parents are aware of this so they may choose to use 5th Avenue rather than turn on Kouwe from Hwy 7. The City Engineer addressed the salting and sanding of side streets. The Commission discussed how the proposal complements the Hwy 7 Study and the specifics of the site.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Currimbhoy the hearing closed at 6:00 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Rock the motion carried unanimously. Commissioner Lofdahl abstained

Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held November 27, 2007 in the Council Chambers at 5:30 p.m.

c) **AMENDMENT TO ZONING ORDINANCE TO UPDATE LANGUAGE IN SECTION 154.170 REGARDING CONDITIONAL USES**

Chairman Otteson opened the hearing at 6:02 p.m. with the reading of publication #7623 as published in the Hutchinson Leader on November 8, 2007.

Ms. Bowers explained revisions to the conditional use permit ordinance are necessary to bring it up to date with State Statutes and to eliminate unnecessary requirements. She stated the ordinance amendment corrects the inconsistencies with State Statutes, adds an explanation of purpose, removes duplicate or conflicting language with other parts of the Zoning Ordinance, eliminates timeframes stated for review by tying the timeframes to Statutes, and removes outdated requirements.

The Commission asked who records the conditional use permits. Staff stated that the City recorded the resolution and part of the application fee covers this cost. The Commission also discussed how the changes relate to the PDD ordinance regarding timeframes.

Mr. Haugen made a motion to close the hearing. Seconded by Ms. Rock the hearing closed at 6:15 p.m. Mr. Haugen made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Rock the motion carried unanimously. Chairman Otteson stated this item will be placed on the City Council consent agenda at their meeting held November 27, 2007 in the Council Chambers at 5:30 p.m.

5. NEW BUSINESS

- a) UPDATE ON ANNEXATION FOR CITY OF HUTCHINSON, FOR FUTURE HUTCHINSON AREA HEALTH CARE SENIOR CAMPUS

Ms. Bowers gave an update on the annexation of 43 acres at the northwest corner of Jefferson Str. SE and Co. Rd. 8. The first reading of the annexation ordinance was approved at the last Council meeting. She explained the annexation process for City owned property. The proposed timing to develop the property would be in 2009, with several phases of development. Next steps will be a sketch plan and rezoning of the property. The Commission had several questions regarding the rural electric agreement, purchase of the property, the ownership of the development, possible zoning districts, and if there were any concerns from the township or adjacent neighbors. The City Attorney provided additional background and information.

- b) Chairman Otteson brought up an article in Planning Commission Journal that she wanted to share with the Commission.

6. OLD BUSINESS

- a) HWY 7 CORRIDOR STUDY UPDATE – PUBLIC HEARING WILL BE AT REGULAR DECEMBER 18TH MEETING

Ms. Bowers gave an update of the Hwy 7 study process and confirmed that the public hearing will be at the Dec. 18th meeting. After Planning

Commission review, the study and plan will go to the City Council for adoption.

7. COMMUNICATION FROM STAFF

City Attorney Marc Sebora provided information to the Commission on the email policy adopted by the City Council that affects Commissions also. He stated that Commissioners should contact staff by phone or in person. The Commissioners discussed how this policy would impact communications.

The Commission asked for the status of the rental housing inspection program. Staff provided an update and answered several questions.

8. ADJOURNMENT

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