

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, January 20, 2009
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, Chad Czmowski, Farid Currimbhoy and Chairman Otteson. Absent: Mike Flaata 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 OF NEW PLANNING COMMISSION MEMBER CHAD CZMOWSKI

Atty. Sebor administered the oath to the new Planning Commission member Councilman Chad Czmowski.

4. CONSENT AGENDA

a) Consideration of Minutes dated December 16, 2008

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

5. PUBLIC HEARINGS

a) **CONDITIONAL USE PERMIT TO ALLOW A THRIFT SHOP AT WEST CENTRAL INDUSTRIES AT 900 HWY 15 SOUTH**

Chairman Otteson opened the hearing at 5:35 p.m. with the reading of publication #7731 as published in the Hutchinson Leader on January 8, 2009.

Ms. Bowers explained West Central Industries is requesting a conditional use permit to allow the addition of a thrift shop to their existing job training site, which is located in the I/C zoning district. The training opportunities had been mostly industrial packaging and assembly, however orders have been very slow recently due to the economic conditions. She commented on the floor plan and the minor modifications to the building. They are proposing to operate a thrift shop to provide more work opportunities for disabled adults. Hours of operation would be Monday – Friday, 8:00 a.m. – 5:00 p.m. There is paved parking in the front and a large gravel lot to the rear of the building. She commented on the parking needs and current parking.

Ms. Bowers commented on the zoning history of the property. She reported their property is made up of 3 lots and staff recommended the property be platted into one lot in the future. Staff reviewed the site drainage and recommended that the rear lot not be hard surfaced at this time. The request meets the conditions of granting a conditional use permit.

Staff supports the request with the following recommendations:

1. The proposal would meet the standards for granting a conditional use permit, including providing a desirable service to the community and would not have an undue adverse affect upon adjacent property, neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and, would not interfere with use of neighboring property.
2. The applicant shall maintain unobstructed aisles and exits for fire and emergency purposes.
3. The applicant shall replat the three lots into one lot prior to any paving of the rear parking area. A drainage and stormwater plan is required to be reviewed prior to any future paving of the parking areas.

There was discussion of future paving and stormwater ponding. Mr. Exner stated technically gravel is impervious surface and there are no known nuisance drainage problems to the neighboring property owners. Most of the drainage flows toward the building. Staff noted that the private drive along the east property line is WCI's property, it is not a public alley.

Charles Oakes, Exec Director of WCI, Willmar, stated they have owned the building since 1994. The number of clients has doubled since the beginning. He provided additional information on their programs and plans for the building, noting the thrift store would be similar to the Goodwill model. There were no comments received from the public.

The Commission recommended that new signage highlight the entrance from Linden Avenue. Southbound traffic on Highway 15 has good access, however the divided highway median limits access to the property for northbound traffic. Staff stated signage would need to meet sign requirements, which would be checked with the required sign permit.

Mr. Lofdahl made a motion to close the hearing. Seconded by Mr. Kovacic the hearing closed at 5:54 p.m. Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations 1-3. Seconded by Ms. Rock, the motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held January 27, 2008 in the Council Chambers at 5:30 p.m.

- b) PRELIMINARY AND FINAL PLAT OF "WAL-MART 1738 ADDITION" AND VARIANCE FOR LOT AREA, LOT WIDTH AND PARKING REDUCTION, REQUESTED BY CORNERSTONE LAND SURVEYING INC., ON BEHALF OF WAL-MART.

Chairman Otteson opened the hearing at 5:55 p.m. with the reading of publication #7731 as published in the Hutchinson Leader on January 8, 2009.

Ms. Bowers commented on the request for a two lot preliminary and final plat to replat a portion of Wal-Mart 2nd Subdivision. Wal-Mart has been leasing the gas station property to Murphy USA and is preparing to sell the property to Murphy USA. She explained that in order to approve the plat, a variance is needed to allow a lot area and lot width that would not comply with the C-4 district standards. She reported that the parking variance is no longer needed as there are parking spaces along the

westerly property line that were not identified on the survey due to snow cover. Staff is in the process of reviewing the draft covenants and shared access and parking agreement, which was provided by the applicant and used for other Wal-Mart and Murphy gas station. Ms. Bowers commented on the uniqueness of the property as operationally it would function the same as the current arrangement, however the proposal would create a separate lot for the gas station.

Staff reviewed the feedback received from planning staff and reviewed the drafted conditions for approval of the request with the following conditions:

1. The standards for granting a variance would be met for the lot area and lot width. The finding of undue hardship and uniqueness is due to the need to keep the same amount of land in the same description as the current lease area and that shared parking would be available for the gas station customers and employees. Additionally, the properties would function the same as the current circumstance, except the new lot would be carved out of the existing Wal-Mart lot.
2. The final "Easements with Covenants and Restrictions Affecting Land" agreement shall be approved by the City Engineer and City Attorney before the final plat and agreement may be recorded. The agreement shall address the shared access and parking and shall address the southwest corner of lot 1, which overlaps the shared access point from Denver Avenue on lot 2.
3. The applicant shall record the final plat and agreement at McLeod County.

The Commission discussed the shared access and parking arrangements. Ms. Bowers explained access to the property is addressed in the covenants and that shared parking agreements are becoming more common to reduce the amount of paving and to allow shared parking by adjacent businesses.

The Commission discussed the hardship requirement regarding lot size and stated that the hardship requirement would not be met as the lot could be one acre and would meet requirements. The Commissioners questioned why Wal-Mart couldn't divide out a larger lot that would meet requirements, especially with the shared parking arrangements. The Commission also discussed the parking requirements in relation to the variance request.

Connie Villari, Cornerstone Land Surveying, commented on the other cases such as this each have received variances for area. She explained the history of Wal-Mart developing properties with gas stations, with Murphy gas leasing the area and then purchasing the properties. She explained Murphy only purchases the leased area. Wal-Mart wants to keep the parking according to their standards. She stated some of the gas stations have been closed. The Hutchinson station will remain open. Ms. Villari explained Wal-Mart access and shared parking agreements are very detailed.

Mr. Lofdahl stated he has an issue with the hardship and does not think the hardship standard is met. Also discussed was that if there is a hardship, it would be a self-created hardship as the lot standards could be met by creating a larger lot for the gas station. Discussion followed on creating a nonconforming lot and the possibility of the gas station closing in the future.

Ms. Villari commented on the agreements Wal-Mart has been using and how they take care of their lots. Ms. Bowers stated staff did discuss the hardship and

determined the property can be put to use in a reasonable manner. Staff also noted the property is unique due to the use as a gas station with a 180 sq. ft. building, which requires one parking space.

Ms. Villari again explained only the current leased area is in the Wal-Mart plan and Wal-Mart does have the “first right of refusal”. She stated that other areas where the Murphy stores closed, Wal-Mart re-plated the area. There was discussion on the definition of the hardship. Mr. Lofdahl suggested that Wal-Mart plat a legal lot and if necessary apply for a parking variance or revised agreement with Murphy. Ms. Villari stated they are requesting to use the property as presently used.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Ms. Rock the hearing closed at 6:16 p.m. Ms. Bowers gave direction to the Commissioners to be specific to their reasons why the variance standards would or would not be met in their recommendation to the City Council. Mr. Lofdahl made a motion to deny the request as the conditions for granting a variance would not be met, including the lack of hardship, the circumstances are created by the landowner, and the property could be platted to a regular legal lot and lease parking back to Wal-Mart. Seconded by Ms. Rock. Atty. Seboria stated he does believe Wal-Mart could make the lot a legal size and it would be a self-created hardship. He stated he has reviewed the “Covenants and Restrictions” document, which is very thorough. The motion to deny the preliminary plat, final plat, and variance failed on a 2 (aye) -4 (nay) vote as follows: Mr. Lofdahl and Ms. Rock voting, aye, Mr. Czmowski, Chairman Otteson, Mr. Kovacic and Mr. Currimbhoy voting nay. Mr. Kovacic made a motion to table the request to the next planning commission meeting to allow the applicant time to reconsider revising the plan and come back with a legally conforming lot. Seconded by Mr. Currimbhoy, the motion carried unanimously.

A motion was made for a short recess for staff to confer with applicant.

6. NEW BUSINESS

a) DISCUSSION OF 2009 PLANNING COMMISSION WORK PLAN

Ms. Bowers commented on the 2009 Work Plan draft. She explained there are also Ordinance amendments staff is working on that would only go through the City Council, such as a vacant housing ordinance and nuisance housing ordinance. The items on the work plan would be done as staff time allows. The Commission and staff reviewed the items listed on the draft work plan. As time allows staff would like to update the Comprehensive Plan. The Shoreland district ordinance is outdated and needs an overhaul. Staff asked for feedback on the soil amendment ordinance recently proposed by the City Forester. Ms. Rock suggested that the City should consider design guidelines for Hwy 15. There was also a request to move Hwy 7 study recommendations earlier on the schedule. Ms. Bowers suggested that building standards could be added to certain districts, such as the C4 district. Also to look into changing the lot size requirements and shared parking possibilities. She will bring back the 2009 Work Plan next meeting.

7. **OLD BUSINESS**

The Commission asked for an update on the Gopher Campfire variance. Staff responded that the variance was granted by the City Council and the applicant plans to building slab on grade to address accessibility to the building and can eliminate the handicapped ramp previously proposed along the front of the building.

8. **COMMUNICATION FROM STAFF**

Staff noted that there will be election of officers in February.

9. **ADJOURNMENT**

There being no further business the meeting adjourned at 6:58 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, February 17, 2009
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: Christie Rock, Chad Czmowski, Mike Flaata and Vice Chairman John Lofdahl. Absent: Chairman Lynn Otteson, Chris Kovacic, 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. ELECTION OF OFFICERS

The election of officers was tabled to the March meeting.

4. CONSENT AGENDA

a) Consideration of Minutes dated January 20, 2009

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

5. PUBLIC HEARINGS

a) **CONDITIONAL USE PERMIT TO ALLOW KIDZ JUNCTION A CHILD CARE CENTER AT CONGREGATIONAL UCC CHURCH LOCATED AT 31 – 4TH AVE. S.W.**

Vice Chairman Lofdahl opened the hearing at 5:33 p.m. with the reading of publication #7734 as published in the Hutchinson Leader on February 5, 2009.

Ms. Bowers commented on the request for a conditional use permit to allow a child care center in the Congregational Church at 31- 4th Avenue S.W. She explained the childcare center recently began operation, without the required CUP, after moving from Park Elementary. Kidz Junction, Inc. is the new name for the child care center, which previously operated under the Beans Plus name. The City became aware of the new location and name change by a letter from the MN Dept. of Human Services dated January 7, 2009, which was sent to the City to provide notice of a new license and to request zoning compliance information. In the R-2 district, a conditional use permit is required to allow a child care center. After the applicants were informed, they quickly applied for the required conditional use permit. She reported the child care center serves school age children in the education building. Churches, day care facilities and schools are conditionally permitted in the R-2 District. The center is a school program which focuses on children in grades K – 5. The program is for children before and after school, during the summer, and other non-school days. The center would be open from 6:00 a.m. to 6:30 p.m. They will be utilizing up to 6 classrooms in the education building and are licensed for 67 children. Parents will drop off and pick up children at the front entrance of the education building on 4th Avenue. Staff will park in the rear parking lot between the church and the bank. Two spaces will be utilized September thru June and approximately 10 spaces through the summer months. Staff recommended the applicant provide a parking plan for special family events at the center. Staff also noted that they are not aware of any issues or complaints raised during their operation since August.

Staff has determined the request does meet the conditional use permit standards and would recommend approval with the following conditions:

1. The proposal would meet the standards for granting a conditional use permit, including providing a service to the community and would not have an undue adverse affect upon adjacent property, neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare, and would not interfere with use of neighboring property.
2. The applicant should develop a plan for parking during special family events held by Kidz Junction and provide a copy to the City.

Mr. Flaata made a motion to close the hearing. Seconded by Mr. Czmowski. The hearing closed at 5:37 p.m. Mr. Czmowski made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Rock, the motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held February 24, 2009, in the Council Chambers at 5:30 p.m.

6. NEW BUSINESS

- a) ANNEXATION AND SKETCH PLAN FOR THE 68-ACRE HACKBARTH PROPERTY, LOCATED NORTH OF WARRIOR MANUFACTURING AND SOUTH OF LUCE LINE TRAIL, SUBMITTED BY THE HACKBARTH'S AND HUTCHINSON EDA

Ms. Bowers explained the request noting the Hutchinson EDA has a contract for deed on the 68-acre Hackbarth property for the development of an industrial park. A petition for annexation has been submitted by the Hackbarth's and the required 30 day notice period to the township, County, and adjacent property owners has been initiated. The EDA has hired SEH to prepare a sketch plan and feasibility study for development of the site. The public hearing for the annexation is scheduled for the February 24, 2009, City Council meeting. A second reading by the Council and approval by the State Municipal Boundary Adjustments Board is also required.

Ms. Bowers explained the location of property and reviewed the area to be annexed. She stated that the land use designation and Staging Plan in the 2002 Comprehensive Plan adopted by the City establishes the long term plan and timing for the development. The proposal would meet the development staging and land use identified in the Comprehensive Plan. She explained the zoning would become R-1 (Single Family Residential) upon annexation into the City. A rezoning to I-1 (Light Industrial) would be required for development of the planned industrial park and would be consistent with the City's long term plans.

Ms. Bowers commented on the sketch plan and the lot arrangement. She stated Mr. John Rodeberg, consulting engineer with SEH, is present for questions. Staff is looking for general feed back on the sketch plan for the Council and applicant. There was discussion of the best use for the small lot bisected by the gas pipeline. There is a small acreage north of Warrior. The pond locations are conceptual and will be confirmed at the preliminary plat stage.

Staff noted the following preliminary comments related to roadways:

- a) Development plans shall identify emergency access and a turnaround to be constructed at the end of the east/west road. The turnaround shall be maintained until future extension of the roadway is connected to 5th Avenue SE.
- b) The street names will be determined by the Zoning Administrator, in consultation with the City Engineer, Police Chief, and Postmaster, as required by City Code. There has been discussion about naming the streets after the property owner, however this would not conform with street naming convention and existing street names.

- c) No access will be allowed from the residential properties to the northwest. Screening will also be required.

Discussion followed on the possibility of extending a berm farther to the west on the northerly edge of the property.

- d) No road crossing shall be constructed over the Luce Line trail on the north side of the property.
- e) Soil borings must be completed as the project moves forward to determine roadway section

Ms. Bowers stated there are a number of easements across the property which will be finalized at plat time. There will be a feasibility study regarding stormwater management and a regional pond concept. Water and sewer are available to the property from Industrial Boulevard. There are a number of utilities running along an easement on the west property line.

Miles Seppelt, EDA Director, stated the City owns the house to the south of Warrior. He explained the house to the west of Warrior is owned by the County. He explained the street names will be decided in the future. Ms. Rock asked why the lots were so large and what the planned square footage of the buildings would be. Mr. Seppelt stated the EDA does not have planned building sizes and that most of the interest expressed is for larger lots. The lots could be subdivided in the future if smaller lots are desired.

Mr. Rodeberg added that the easement along the east lot boundary would contain the trunk sanitary sewer and water lines that would extend services closer toward the Highway 7 and 22 future development area.

Staff supports the proposal and recommend it move through the development review process.

Ms. Rock made a motion to move through the annexation and development review process. Seconded by Mr. Flaata, the motion carried unanimously.

b) DISCUSSION OF ADDING PERMITTED USES TO THE GATEWAY DISTRICT

This item was tabled to the March agenda.

7. **OLD BUSINESS**

- a) PRELIMINARY AND FINAL PLAT OF "WAL-MART 1738 ADDITION" AND VARIANCE FOR LOT AREA, LOT WIDTH AND PARKING REDUCTION, REQUESTED BY CORNERSTONE LAND SURVEYING INC., ON BEHALF OF WAL-MART. (Tabled from the January 20th Planning Commission meeting)

Ms. Bowers explained the proposal was tabled at the last meeting due to concerns on the lot size and feedback from the Commission that the variance standards were not met. The Commission tabled action to allow the applicant an opportunity to revise the request. After considering their options, the applicant decided to pursue the variance, without revision.

Ms. Bowers prepared findings in order to approve a variance, the City Council must find the request meets all the standards for granting a variance. In order to deny a variance, the City Council must find that the request does not meet at least one of the conditions for granting a variance. She commented on each condition and the fact the undue hardship has not been met.

The applicant addressed the Planning Commission and stated that Wal-Mart considered the feedback from the Commission, however respectfully requests reconsideration of their subdivision and variance request as originally proposed. The applicant provided background on similar proposals in other cities, Wal-Mart's concern over losing any parking, and how gas station closures have been handled.

There was discussion on the following variance standards.

- A. A finding of "undue hardship" must be found, finding the property cannot be put to a reasonable use if used under conditions allowed by the official controls.
- B. If a finding of "undue hardship" is found, the plight of the landowner must be due to circumstances unique to the property and not created by the landowner.
- C. The variance, if granted, will not alter the essential character of the locality.

Discussion followed on the possibility of changing the ordinance to allow smaller lots. Ms. Bowers stated that the applicant could apply to change the zoning ordinance text, however, the present request is for a variance and action on the variance and plat must be taken by the City.

Mr. Flaata made a motion to deny the variance with findings A, B and C. Discussion followed on the findings and that finding C may have been met. There was also further discussion regarding allowing smaller lots and on parking requirements.

Mr. Flaata withdrew his motion and changed his previous motion to deny the variance with findings A and B. Seconded by Ms. Rock, the motion carried unanimously. Ms. Bowers stated this item will be placed on the regular City Council agenda.

b) 2009 PLANNING COMMISSION WORK PLAN

This item was tabled to the March meeting.

8. COMMUNICATION FROM STAFF

- a) Ms. Bowers stated March will be Mike Flaata's last meeting. The City Council will appoint someone to fill his position.
- b) Ms. Bowers commented on the reduction of Planning/Zoning and Building staff hours.

9. ADJOURNMENT

There being no further business the meeting adjourned at 6:16 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, March 17, 2009
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, Chad Czmowski, 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. ELECTION OF OFFICERS

Chairman Otteson called for nominations for Chair. Ms. Rock nominated Mr. Lofdahl for Chair. Nominations ceased and a unanimous motion carried for John Lofdahl as Chair. Chair Otteson called for nominations for Vice Chair. Mr. Currimbhoy nominated Mr. Kovacic for Vice Chair. Nominations ceased and a unanimous motion carried for Chris Kovacic as Vice Chair.

4. CONSENT AGENDA

a) Consideration of Minutes dated February 17, 2009.

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

5. PUBLIC HEARINGS

a) **CONDITIONAL USE PERMIT AMENDMENT TO REVISE THE APPROVED PARKING AREA FOR THE CAR DETAILING BUSINESS AT 205 MONROE STREET S.E. IN THE I/C DISTRICT**

Chairman Otteson opened the hearing at 5:37 p.m. with the reading of publication #7740 as published in the Hutchinson Leader on March 5, 2009.

Ms. Bowers commented on the conditional use permit granted for the car detailing business on June 24, 2008, on the vacant lot in the I/C District. She explained the location of the lot which is south of UBC, west of a trucking company and adjacent to residential property. The building and driveway were constructed in the Fall 2008. The plan approved 4 parking spaces on the east side of the building. This request is an amendment to the previous conditional use permit and is for three spaces along the west side of the building and one space on the north side of the building. Changes to conditional uses require the plan to be amended. The proposed setbacks are less than recommended in the I/C district. Lesser setbacks can be reviewed and approved with the CUP amendment.

Ms. Bowers reported the request meets the conditional use permit standards. Staff recommends approval of the amendment to the CUP for the revised parking with the following conditions, which includes the conditions previously adopted:

1. Screening with fencing or plantings of trees or shrubbery along the south and west property lines is required on the subject property to screen from residential property.

Screening shall be provided on private property and not on the public right of way. Screening shall meet the requirements of section 154.115. The landscaping plan shall be approved by the City Forester.

2. The driveway and parking area must be paved with bituminous or concrete.
3. The applicant shall provide a minimum of four off street parking spaces to accommodate additional vehicles on site, as shown on the attached "Revised Parking Plan". All parking and car detailing must be conducted on the subject property and no servicing of vehicles or on-street parking is allowed due to the impact to adjacent residential properties.
4. One access onto Second Avenue is permitted, with a maximum driveway width of 24 feet. No access from the alley will be allowed.

Discussion followed on the surface of the parking area. Staff stated the parking area would be paved. There was also discussion of the vehicles parking on the street.

Mr. Lofdahl made a motion to close the hearing. Seconded by Mr. Kovacic, the hearing closed at 5:43 p.m. Mr. Kovacic made a motion to recommend approval of the request with staff recommendations 1-4. Seconded by Ms. Rock, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held March 24, 2009, in the Council Chambers at 5:30 p.m.

- b) VARIANCE TO ALLOW FRONT SETBACK LESS THAN 5 FEET FOR A FENCE, SIGN AND DECORATIVE PIERS ON HUTCHINSON UTILITIES PROPERTY AT 44 – 4TH AVE. N.E.

Chairman Otteson opened the hearing at 5:45 p.m. with the reading of publication #7740 as published in the Hutchinson Leader on March 5, 2009.

Ms. Bowers commented on the request by Hutchinson Utilities for a variance to allow a decorative fence with signs to be placed 1 – foot from the property line. The setback requirement for signs and fences along a street right of way is 5 feet from the property line. She noted the proposed design was developed by Landform consultants for HUC. The applicant stated the hardship is the location of the electrical utilities control box for the MNDOT traffic lights and a manhole to access the traffic light control box conductor. There is also an electrical pedestal for the marquee sign.

Ms. Bowers stated this is a narrow lot with limited space. The request is part of a broader landscaping plan. The setbacks will vary from 1 to 5 feet. Staff recommends approval of the variance to allow the fence, sign and piers, with the following findings and recommendations:

1. The standards for granting a variance have been met, including a finding of undue hardship due to extremely narrow lot, placement of the building along the right of way, the location of the electrical utilities, an electrical control box, and manhole for the MNDOT traffic lights.
2. The property is unique as it is extremely narrow and has a very limited area to construct any type of fence that would meet the 5' setback requirements and that would not interfere with utilities on the lot.
3. The variance would not alter the essential character of the locality. The building has an orientation that is set close to the street. The decorative fence and signage would improve the appearance of the site and highlight a historic local landmark.
4. The variance is approved with the setback shown on plans dated February 17, 2009, with setbacks ranging from a minimum of 1' to 5.5' from the property line.

Discussion followed on the Hwy 7 right-of-way expansion and the loss of property due to expanded right of way. The Commission also discussed that the request would meet the standards for allowing a variance, including a finding of undue hardship.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Flaata the hearing closed at 5:51 p.m. Mr. Currimbhoy made a motion to recommend approval of the request noting the hardship of extremely narrow lot, placement of the building along the right of way, the location of the electrical utilities, an electrical control box, and manhole for the MNDOT traffic lights and staff recommendations 1-4. Seconded by Mr. Faata, with the hardship in Number 1, the motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held March 24, 2009 in the Council Chambers at 5:30 p.m.

c) CONDITIONAL USE PERMIT, SITE PLAN AND SETBACK VARIANCE FOR AN ADDITION TO FAITH LUTHERAN CHURCH AT 335 MAIN STREET SOUTH IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT

Chairman Otteson opened the hearing at 5:52 p.m. with the reading of publication #7740 as published in the Hutchinson Leader on March 5, 2009.

Ms. Bowers commented on the Faith Lutheran Church expansion. Church uses are conditional uses in the R-2 district and an expansion requires a conditional use permit. The addition will be located 4 feet from the property line where 25 feet is required. The proposal includes removing the existing education wing on the north side of the building and constructing a new two story above grade addition with a partial basement. She stated one of the key areas to review for the expansion is parking. The parking requirement for churches is determined by the amount of seating in the sanctuary. She commented on the parking issues during construction. After construction is complete and the new addition is open, the Hope Center building would be removed and green space established until the phase II portion of the project in the future.

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 existing non-conforming setback as the structure was constructed prior to modern zoning standards and the limited area in which to construct the addition. Additionally, the request would not alter the character of the locality as the addition would be similar to the placement of buildings in the area, many of which were constructed with zero setback.

Ms. Bowers reported the conditional use standards have been met. She explained the parking requirement. In this case, the request is for classrooms, offices and meeting rooms. Parking is calculated by the seating in the sanctuary. Ms. Bowers commented on the changes to the number of accesses after the staff meeting and one stop shop to remove 2 access drives. Some parking stalls would be lost, but the site would still meet requirements. She also stated some changes in final construction plans would be needed due to the geothermal well fields and their proximity to utility lines. Staff recommends approval of the conditional use permit, site plan, and variance, with the following findings and conditions.

1. The proposal would meet the standards in the Zoning Ordinance, with the exception of the building setback for which a variance is requested.
2. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the existing non-conforming setback as the structure was constructed prior to modern zoning standards and the limited area in which to construct the addition. The request would not alter the character of the locality as the

- addition would match the building line on the east. The variance is to allow a 4' building setback for the west side of the building, where 25' feet is required.
3. Final utility, grading, and stormwater management plans must be approval by the City Engineer prior to construction.
 4. The final parking lot plan must be submitted identifying dimensions and traffic flow arrows prior to striping for approval of the City Engineer and Planning Director.
 5. A temporary parking plan shall be developed and implemented to deal with the loss of parking throughout the construction period.
 6. Construction traffic shall not use the 3rd Avenue driveway and shall be directed to the Hassan Street or 4th Avenue routes.
 7. Exterior lighting must be shielded and shall not cause glare to adjacent properties. A lighting plan with fixtures details shall be submitted to the Planning Director for approval prior to installation.
 8. Approval of the City Forester is required before any boulevard trees may be removed. The final landscaping plan shall be approved by the City Forester.

Mr. Flaata abstained from voting as a church member. There was discussion on the one stop shop meeting via telephone conference call with the architect and the contractor. Also discussed was the removal of the Main Street access.

Randy Redman, representing Faith Lutheran Church, commented on the project and explained the parking plan throughout the construction period. The church will be holding outdoor services at Library Square whenever possible throughout the summer. Mr. Redman stated the parking lot should be completed by September. To accommodate off-site parking, they will have two vans available to shuttle people from the public parking lots by Mid Country Bank and at the corner of Hassan Street and First Avenue. There will also be on street parking on Hassan Street and Third and Fourth Avenue. The building construction completion date is Easter, 2010.

Mr. Kovacic made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:05 p.m. Chairman Otteson reminded the Commissioners to clearly state the hardship when approving the variance. Mr. Lofdahl made a motion to recommend approval of the request with staff recommendations 1-8. noting finding of undue hardship and uniqueness due to the existing non-conforming setback as the structure was constructed prior to modern zoning standards and the limited area in which to construct the addition. The request would not alter the character of the locality as the addition would match the building line on the east. Seconded by Ms. Rock, the motion carried unanimously. Ms. Bowers stated this item will be placed on the City Council consent agenda at their meeting held March 24, 2009 in the Council Chambers at 5:30 p.m.

- d) PRELIMINARY PLAT OF ENERGY PARK NORTH AND A REZONING FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO I-1 (LIGHT INDUSTRIAL PARK), SUBMITTED BY THE HUTCHINSON EDA AND HACKBARTH'S

Chairman Otteson opened the hearing at 6:07 p.m. with the reading of publication #7740 as published in the Hutchinson Leader on March 5, 2009.

Ms. Bowers stated the Hutchinson EDA and the Hackbarths are requesting a rezoning and 8 lot preliminary plat for development of an industrial park. The annexation was approved by the City Council on March 10th and is scheduled to be approved for annexation by Municipal Boundary Adjustments on March 19th. She commented on the preliminary plat which consists of eight lots on a new public road with utilities extended from Industrial Blvd. The plat is very similar to the sketch plan, with minor revisions. The new road, Energy Park Drive, is planned to be connected to 5th Ave. S.E., between Warrior Manufacturing and the lot owned by McLeod County. As the

southerly portion of the Energy Park Drive is outside the plat, the right of way would also need to be platted separately after annexation of the County property is completed.

Ms. Bowers explained a rezoning from R-1 to I-1 is required to plat and develop the property for an industrial park. In considering a rezoning request, the Planning Commission should review the proposed rezoning for consistency with the Comprehensive Plan and the purpose of the Zoning Ordinance.

Staff recommends approval of the rezoning to I-1 and preliminary plat with the following findings and conditions.

1. Approval of the rezoning and preliminary plat is contingent upon approval of the annexation by the State of MN Office of Municipal Boundary Adjustments.
2. The rezoning to I-1 (Light Industrial Park) would be consistent with the Comprehensive Plan and the intent of the I-1 zoning district in the Zoning Ordinance.
3. A turnaround for emergency access shall be constructed at the end of Energy Park Drive. The turnaround shall be maintained until the road is connected to 5th Avenue SE.
4. Outlot A shall be replatted into adjacent property and shall not remain as a separate parcel.
5. The final plat shall identify the street name as Energy Park Drive W. The extension of the road to the east will be named Energy Park Drive E.
6. The street right of way for the extension of Energy Park Drive W. to 5th Avenue shall be platted after annexation of the County property west of Warrior Manufacturing.
7. No access will be allowed from the residential properties to the northwest to the subject property.
8. No road crossing shall be constructed over the Luce Line trail on the north side of the property.
9. Soil borings shall be completed as the project moves forward to determine roadway section.
10. Final utility, grading, and stormwater management plans are subject to approval of the City Engineer.
11. Significant buffering is required on the Northwest corner of the development abutting residential properties.
12. Revisions to the plat noted by McLeod County are required, including: a) the final plat shall be on one page or match line drawn if plat is on two pages. b) The East Half of the Northwest Quarter is now known as Lot 7, AP W ½ Sec 5-116-29 shall be noted as such in the underlying description. c) the owners names and signatures on the plat shall be as required by McLeod County.

Chairman Otteson asked if the street names are acceptable with emergency staff. Discussion followed on the on the reason for adding West and East on Energy Park Drive.

Discussion followed on the gas line and buffering on the North. John Rodeberg, SEH, stated there could be a tree or fence screen, however a berm may not be placed over the gas line. Ms. Bowers stated the screening will be discussed again at the site plan review. Mr. Rodeberg commented on the limitations to access the property. Discussion followed on the permitting for ponding in the area. Ms. Rock commented on her concerns with the large lots. Mr. Seppelt, EDA, stated they will try to get the most building on each lot or split the lots in the future. Mr. Rodeberg state the lots will not be pad ready. There will only be minimal grading on the sites. Ms. Bowers explained staff agrees with the lot splits, if needed, as an option.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Lofdal, the hearing closed at 6:20 p.m. Ms. Rock made a motion to recommend approval of the preliminary plat and rezoning 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 March 24, 2009, in the Council Chambers at 5:30 p.m.

- e) REZONING OF 900 HWY 7 W FROM C-4 (FRINGE COMMERCIAL) TO I-1 (LIGHT INDUSTRIAL) FOR INDUSTRIAL USE REQUESTED BY TOM DAGGETT, PROPERTY OWNER

Chairman Otteson opened the hearing at 6:21 p.m. with the reading of publication #7740 as published in the Hutchinson Leader on March 5, 2009.

Ms. Bowers explained Daggett Ventures is requesting a rezoning of a 3.8 acre lot located at 900 Hwy 7 West from C4 (Fringe Commercial) to I-1 (Light Industrial Park). The property is a vacant lot between Hutchinson Manufacturing and the Victorian Inn. The rezoning is requested for an expansion of Hutchinson Manufacturing because the current C-4 zoning does not allow industrial uses. The adjacent Hutchinson Manufacturing site was recently rezoned from I/C to I-1 and was also replatted to combine the lots.

Ms. Bowers reported during the Highway 7 Corridor Study, there was much discussion over the City's vision for the industrial property between Highway 7 and the river, west of the Highway 7 & 15 intersection. The study recommended the City consider the long term land use and zoning policy for this sensitive area along the river and highway. She commented on the following quote from the study: *"Determine whether the existing industrial uses will remain in the foreseeable future. If this is the case, the areas should remain industrial over the long term. Otherwise, the future of the area is more likely to become more commercial and the future land use plan should be revised accordingly if future changes are anticipated."* During the study, feedback from the City Council was that this industrial area is important for the economy of the City and expansions of existing business would be supported. Ms. Bowers explained as the industrial businesses in this area are generally strong and the existing Comprehensive Plan identifies this property as "industrial", the rezoning to I-1 would be consistent with the city's long term plans.

A conditional use permit, variance and site plan review for the site will be the next step in the process. Discussion followed on the need to screen along the westerly property line and the southerly line of the parcel.

Staff recommendations approval of the rezoning with the following conditions:

1. The rezoning would be consistent with the Comprehensive Plan and the intent of the I-1 zoning district in the Zoning Ordinance.
2. The property is proposed to be developed as an industrial use. Rezoning would allow the proposed use to be developed as an industrial use.
3. A site plan review by the Planning Commission and City Council is required. A conditional use permit is also required for outdoor storage.
4. Landscaping and screening will be required between the hotel and the subject property and along the southerly line of parcel when the lot is developed.

Tom Daggett, Daggett Ventures, stated Hutchinson Manufacturing is involved in this project. Ms. Bowers explained that an expansion of an existing business would be exempt from the new design standards and river overlay district requirements. Mr. Daggett explained occupancy of the building will be Hutchinson Manufacturing along with a partner. The Commissioners stated

they appreciate Mr. Daggett's efforts and cooperation with the delay in the landscaping of the southerly portion of his property. Discussion followed on the added design standards and appearance of the building. Mr. Daggett stated he is looking at a May 1st start.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Ms. Rock, the hearing closed at 6:33 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations 1-4. Seconded by Mr. Flaata, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held March 24, 2009 in the Council Chambers at 5:30 p.m.

f) AMENDMENT TO SECTION 154.071 OF THE CITY CODE ADDING PERMITTED USES TO THE GATEWAY DISTRICT.

Chairman Otteson opened the hearing at 6:34 p.m. with the reading of publication #7740 as published in the Hutchinson Leader on March 5, 2009.

Ms. Bowers stated the proposed amendment would add permitted uses to the Gateway District, as the ordinance specifies that "there are no permitted uses within the GT district". Currently there are only conditional uses. The Highway 7 Study recommended this change as an implementation step to fix some of the problems inherent in the Zoning Ordinance. This revision is included in the 2009 Planning Commission Work Plan objectives.

Ms. Bowers explained the main change to the ordinance is to add permitted uses. Several of the existing conditional uses were moved to permitted, including retail uses, hotels/motels, and restaurants. Several uses were combined into broader categories, such as "entertainment facilities" or "personal and business services". Revisions were also made to remove outdated and unusual uses (such as dairy product stores). Automobile sales, currently a conditional use, is recommended to be deleted, as it does not appear to be consistent with the purpose of the Gateway District. Automobile sales is also permitted in several other zoning districts. The ordinance revisions were targeted to the permitted and conditional uses only. The remaining standards in the district were not revised.

The Commission discussed the amendment and it's relation to the Highway 7 study and future development of the Highway 7 and 22 intersection and surrounding area. There was discussion on a couple of revisions from staff's proposal. The revisions were related to boat and vehicle sales, outdoor sales areas, and entertainment facilities. The Commission provided feedback that there should be no outdoor sales or display in the Gateway district and that all sales should be in showroom building, not an outdoor lot.

Mr. Kovacic made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:48 p.m. Mr. Currimbhoy made a motion to amend the ordinance based on the discussed changes regarding boat and vehicle sales, outdoor sales area, and entertainment facilities. Seconded by Mr. Flaata, the motion carried unanimously. This item will be placed on the City Council agenda at their meeting held March 24, 2009, in the Council Chambers at 5:30 p.m.

6. NEW BUSINESS

a) ANNEXATION BY ORDINANCE OF 5.97 ACRES REQUESTED BY MCLEOD COUNTY LOCATED WEST OF WARRIOR MANUFACTURING, EAST OF MCLEOD COUNTY PROPERTY AND SOUTH OF THE HACKBARTH PROPERTY.

Ms. Bowers explained that a petition for annexation has been received from McLeod County for a 5.97-acre parcel located east of the McLeod County Solid Waste site. She stated McLeod

County has plans to use the site for expansion of the solid waste facility in the future. The annexation is also important for the development of the industrial park as the new north/south road, Energy Park Drive W., is planned to be constructed along the east property line of the site from 5th Avenue S.E. After annexation, the property will need to be rezoned for development by McLeod County. Planning Commission feedback is important on annexations. Discussion followed on the electric service to the property.

Mr. Currimbhoy made a motion to move forward with the annexation. Seconded by Mr. Czmowski, the motion carried unanimously.

7. OLD BUSINESS

a) 2009 PLANNING COMMISSION WORK PLAN

Ms. Bowers commented on the work plan. She reported the tower ordinance may not be ready for review in April and explained SEH is preparing a study on the existing antennas, locations and leases along with recommended updates to the ordinance. The minimum building design standards for zoning districts were added to completed as time allows. Ms. Bowers stated the park land fees should be reviewed before large developments occur, however the revisions may not be ready by May or June, as indicated on the work plan. Discussion followed on updating the Comprehensive Plan regarding time, costs and how often it must be done.

8. COMMUNICATION FROM STAFF

- a) The City is collecting applications to fill Mr. Flaata's position on the Planning Commission.
- b) On Thursday, March 26th, a town hall meeting on the 2010 Census meeting will be held in City Council Chambers.

9. ADJOURNMENT

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

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, April 21, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman Lofdahl at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, Lynn Otteson, Chad Czmowski, Farid Currimbhoy and Chairman Lofdahl. Absent: None 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 March 17, 2009.

Mr. Currimbhoy 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 AMEND THE PLANNED DEVELOPMENT DISTRICT TO ALLOW CONSTRUCTION OF A HOUSE TO BE LOCATED WITH ZERO SETBACK TO THE FRONT AND REAR PROPERTY LINES AT 1175 OAKWOOD COURT N.W., REQUESTED BY RICHARD LENNES, PROPERTY OWNER**

Chairman Lofdahl opened the hearing at 5:34 p.m. with the reading of publication #7748 as published in the Hutchinson Leader on April 9, 2009.

Ms. Bowers commented on the request to amend the planned development district to construct a new home in Fairway Estates Second Addition. The PDD was approved in 1999 based on the approved development plans. The amendment is to allow zero-foot front and rear yard setbacks, where a 5-foot setback was specified on the approved development plans. Side setbacks would meet the required 5-foot setback. She explained that the applicant is requesting the amendment to allow an attached three stall garage to be constructed with the house. The lots in this development were approved as unit lots that are not much larger than the footprint of the structure and are surrounded by commonly-owned open space. There have been similar amendments approved to allow reduced setbacks in this development.

She cited the conditional use permit standards 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.

In reviewing the request, staff considered the potential impacts to adjacent properties. There is a vacant platted lot east of this property that shares a lot line with the subject property. A key area to review is the change to the grades that results from the reduced setback and larger building footprint. Potential impacts of a smaller setback could be changes in drainage and grading from the approved grading plan and a steeper driveway. As the survey provided by the applicant does not provide enough detail to review the proposed drainage and grading, a revised survey showing the proposed grades will be required before a building permit can be issued. Because of the potential impact to the grades of the adjacent property, any changes from the approved grading plan will require neighboring property owner's approval in writing. Homes in the development drain to the common area.

As-built elevations for the new home must be verified. Gutters may be necessary to promote positive drainage for the property and avoid impacts to the adjacent property. The grades of the driveway will also need to be reviewed due to the proposed basement and smaller setback which will increase the steepness of the driveway.

Due to the proposed zero setback to the lot line, two other considerations are the roof overhang over the lot line into the common area and compliance with the Building Code for fire walls built up to the lot line. Staff had some concerns regarding allowing roof overhangs over property lines and would recommend that the garage or house plan be reduced in depth so there is no overhang over the lot line. Ms. Bowers explained there may be compromise to do a smaller overhang. There was a similar request which did allow the over hang into the common space. Ms. Bowers stated the over hang would not be out of character. The pitch of the roof is less of a concern.

The applicant is considering installing geothermal wells for heating and cooling. Staff recommends that this system be installed within the unit property lines, and not encroach into common areas. Approval of the Homeowners Association would likely be required for installation in the common areas.

Ms. Bowers stated staff would recommend approval of the request with the following conditions to address concerns raised by staff:

1. The applicant shall provide a detailed survey with the proposed grading and elevations at the time of building permit application.
2. Proposed changes to the approved grading plan will require neighboring property owner approval in writing. Drainage from the subject lot must not affect adjacent properties.
3. The building plans shall be revised so that the overhang does not encroach over the lot line.
4. Building Code compliance for fire walls will need to be addressed by the applicant for the building permit.
5. Geothermal wells must be located within the unit lot.

There was one other home granted a conditional use permit at 1187 Oakwood Court N.W. Discussion followed on the need to individually look at conditional use permits to amend setbacks. Ms. Bowers explained each site is different and should be considered separately.

Mr. Richard Lennes, 65506 – 210th St. Litchfield, MN, presented information that the zero setback is needed to accommodate a 3-stall garage, add value to the home, and allow a modest deck. They are requesting a 16" roof overhang to be consistent with the design of the homes in the development, which with a zero front setback, would overhang into the common space. He stated his plans have been approved by the Homeowners' Association and would be consistent with their design standards. He said the gable end overhang would not affect drainage or affect

adjacent properties. Mr. Lennes noted he met with staff to discuss design alternatives to reduce the proposed overhang of the front roof line, however he decided to request the 16" overhang in order to match the other homes.

Mr. Lennes went through the conditions recommended by staff and noted concerns with two of the conditions, #2, regarding requiring adjacent property approval of the grading and elevations, and #3, requiring revisions so there would be no overhang into the common space. He suggested changing adjacent property approval to "review and comment". Ms. Bowers stated the proposed language would be acceptable as staff does the final review on the proposed survey and grading plan prior to issuing a building permit. The concern is primarily to make sure the vacant property to east is not negatively impacted due to changes in the grade and potential steepness of the driveway due to the zero setback. Regarding the overhang, the Commission discussed the reasons for discouraging overhangs beyond the lot line is also for utility access, in addition to drainage. Mr. Lennes noted the condition regarding keeping geothermal wells on his own lot is not an issue.

There was one neighbor who spoke on the request, Jon Beach, 1177 Oakwood Ct. NW. His property is the adjacent home to the northwest. He stated concerns with the view from the rear of his home, which is mostly windows, and shading of his home. He said he bought the property knowing there was a 5-foot setback and that he would be adversely affected with close proximity of the Lennes home. Mr. Beach stated he did not have a problem with the front setback, but opposes the rear setback reduction. The Commission discussed the distance between the homes, the decks, and whether the proposed home would block sunlight. The Commission noted the proposed house would be 2.5' from the rear property line, but the deck would be up to the lot line. It was noted the deck would be open with no roof and would be about the same level as the adjacent home.

There was discussion on the request to change recommendation #2 to "review and comment". Ms. Bowers agreed to the wording change in #2 to "review and comment".

Ms. Otteson made a motion to close the hearing. Seconded by Mr. Currimbhoy, the hearing closed at 6:15 p.m. Mr. Kovacic made a motion to recommend denial of the request because of the undue adverse affect to the neighboring property. Ms. Bowers clarified the need to change the conditions rather than deny the request. The applicant has worked with staff to modify the home. Mr. Kovacic moved to withdraw the motion. Ms. Rock made a motion to approve the request to allow construction of the home with staff recommendations changing recommendation #2 to "review and comment" by the neighboring property owner and strike # 3 regarding the over hang. Seconded by Mr. Currimbhoy. Discussion followed on the expectation of Mr. Beach. There was a role call vote with Currimbhoy and Rock voting aye. Kovacic, Lofdahl, Otteson and Czmowski voting nay. The motion failed (2 ayes to 4 nays). Ms. Otteson moved to approve the request with staff recommendation however, not allowing a rear setback of zero and maintaining the setback to 5 feet. Seconded by Mr. Kovacic there was another role call vote with Currimbhoy and Rock voting nay and Kovacic, Lofdahl, Otteson and Czmowski voting aye. This motion passed on a 4 ayes to 2 nays vote. Ms. Bowers stated this item will be placed on the City Council regular agenda at their meeting held April 28, 2009 in the Council Chambers at 5:30 p.m.

- b) **CONDITIONAL USE PERMIT, VARIANCE AND SITE PLAN FOR THE CONSTRUCTION OF A 51,000 SQ. FT. MANUFACTURING FACILITY OVER 40 FEET IN HEIGHT WITH OUTDOOR STORAGE OF FINISHED PRODUCT AT 900 HWY 7 WEST, REQUESTED BY DAGGETT VENTURES**

Chairman Lofdahl opened the hearing at 6:25 p.m. with the reading of publication #7748 as published in the Hutchinson Leader on April 9, 2009.

Ms. Bowers explained the applicant proposes to build a 51,000 sq. ft. building with outdoor storage on a vacant lot west of Hutchinson Manufacturing. The new building would be developed and operated through a partnership between Hutchinson Manufacturing and a new company, Atomic Crane Corporation. The cranes and related equipment would be assembled in the new building and then moved into the Hutchinson Manufacturing facility for finishing and painting, and returned to the outdoor storage yard as finished product. A conditional use permit is required for outdoor storage of the finished product, which is overhead traveling cranes. A variance is requested to allow the proposed 56 foot building height to allow assembly of large overhead cranes. The maximum height allowed in the I-1 district is 40 feet. The property was rezoned recently to I-1.

Ms. Bowers noted that there have been several plan revisions to address issues raised during staff review, including providing additional capacity for stormwater by expanding the stormwater pond to the east. The remaining items requiring revision and staff review are addressed in the conditions as follows:

1. The proposal would meet the standards in the Zoning Ordinance, with the exception of the building height, for which a variance is granted.
2. A variance to exceed the 40' maximum building height allowed in the I-1 district is approved to allow a 53' building height. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the definition of the height of the building, which uses the highest point of the roof for flat roofs, and specific building needs of the crane assembly and trial fit requirements. The building is unique in that a portion of the building would be only 34' high, however the crane assembly area would be 53' high. The request would not alter the character of the locality.
3. The standards for granting a conditional use permit will be met, subject to meeting the screening requirements in the Zoning Ordinance.
4. Final utility, grading, and stormwater management plans must be approved by the City Engineer prior to grading or any construction on site.
5. The applicant should confirm that the 34' drive aisle will be adequate for truck maneuvers into the building.
6. A 20 foot access drive must be maintained around the building for emergency vehicles. The south drive shall be revised to provide a turnaround or drive connection for emergency services.
7. The outdoor storage area shall be screened in compliance with Section 154.115 of the Zoning Ordinance. The final landscaping plan shall identify species and sizes of plantings and shall be approved by the City Forester and Planning Director. No berming is permitted in the drainage and utility easement areas.
8. The fence may not block emergency access to the building. Approval of a fence permit is required prior to installation.
9. Signage shall comply with the requirements of the Zoning Ordinance. Approval of a sign permit for all signage is required.

The Commissioners discussed screening of the outdoor storage area and the future landscaping on the southern property line. Staff noted past discussion that landscaping plans along the south property line should be incorporated into the overall Les Kouba landscaping plans. Mr. Daggett updated the Commissioners on the proposed fence. He stated the intention is to install a perimeter fence along with the landscaping to provide security, which would not

impede the drive aisle and turnaround. Regarding the variance for height, staff clarified that the proposed height would be 56 feet for highest roof.

Mr. Kovacic made a motion to close the hearing. Seconded by Ms. Rock, the hearing closed at 6:41 p.m. Mr. Currimbhoy made a motion to recommend approval of the request with staff recommendations noting the hardship of the unique circumstance due to the definition of the height of the building, which uses the highest point of the roof for flat roofs and specific building needs of the crane assembly and trial fit requirements. Seconded by Ms. Rock, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held April 28, 2009, in the Council Chambers at 5:30 p.m.

c) **CONDITIONAL USE PERMIT TO ALLOW TENT SALES OF FIREWORKS LOCATED AT WALMART, 1300 HWY 15 SOUTH, REQUESTED BY TNT FIREWORKS**

Chairman Lofdahl opened the hearing at 6:43 p.m. with the reading of publication #7748 as published in the Hutchinson Leader on April 9, 2009.

Ms. Bowers commented on the request for a conditional use permit to allow fireworks to be sold in a tent located in the Walmart parking lot. Approvals have been granted annually since 2005 for the same request. The request is to set up the tent June 18, 2009 with take down July 5 - 9, 2009. Section 130.08 C (6) of the Hutchinson Municipal Code requires a conditional use permit for outside sale of fireworks. The prior permits were granted for 15 days expiring at midnight on July 4th. She explained that conditional use permits run with the property and there is no need to come before the Planning Commission each year for a conditional use permit unless the use or location changes or is intensified. They will still need a fireworks permit from the fire department and transient merchant license from the City Council each year. The resolution has been prepared to remove the specific time period of operation, which will be specified in the annual fireworks and transient merchant permits.

Staff would recommend approval of the request with the following conditions:

1. A conditional use permit is approved to allow sales of fireworks in a tent at 1300 Hwy 15 S., according to the application details and site plan received by the City on March 18, 2009. Fireworks sales may be allowed for the dates and conditions specified on the fireworks sales permit and transient merchant license issued annually.
2. Annual application and approval of a fireworks permit and transient merchant license are required for future renewals. Any changes to the operations or conditions would require approval of a new or amended conditional use permit.
3. All display and sales areas must be kept secured.
4. Signage requires a separate sign permit prior to installation of signage.
5. All access to the site must be from the internal parking lot.

Mr. Kovacic made a motion to close the hearing. Seconded by Ms. Otteson, the hearing closed at 6:48 p.m. Ms. Rock made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Czmowski, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held April 28, 2009 in the Council Chambers at 5:30 p.m.

5. **NEW BUSINESS**

6. **OLD BUSINESS**

7. **COMMUNICATION FROM STAFF**

- a) Ms. Bowers informed the commissioners there may be a new commissioner appointed by the May meeting.

8. **ADJOURNMENT**

There being no further business the meeting adjourned at 6:50 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, May 19, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman John Lofdahl at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, Chad Czmowski, Jim Fahey and Chairman Lofdahl. Absent: Farid Currimbhoy and Lynn Otteson. 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 OF NEW PLANNING COMMISSIONER JIM FAHEY

4. CONSENT AGENDA

a) Consideration of Minutes dated April 21, 2009.

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

5. PUBLIC HEARINGS

a) **CONDITIONAL USE PERMIT TO ALLOW TENT SALES OF FIREWORKS LOCATED AT SUPER 8 MOTEL, 1200 HWY 15 SOUTH, REQUESTED BY KAREN HERRMAN, HOMETOWN FIREWORKS**

Chairman Lofdahl opened the hearing at 5:35 p.m. with the reading of publication #7754 as published in the Hutchinson Leader on May 7, 2009.

Ms. Bowers explained the request to allow tent sales of fireworks in the parking lot at Super 8 Motel. She noted it is very similar to a previous conditional use permit granted for the WalMart parking lot. The Hutchinson Municipal Code requires a conditional use permit for outside sale of fireworks and is subject to the City also approving an annual Transient Merchant License and Fireworks Permit. The proposed tent would be 30' x 45' to be located in the gravel parking lot in the southeast corner of the property. The tent would be located half on the gravel lot, half on the grass in order to maintain a clear drive aisle through the parking lot. There would be approximately 15 feet from the gravel parking area to the property line. The proposed tent set-up this year would be June 22nd with dismantling by July 7th. Sale dates will be specified on the transient merchant license and fireworks permit.

Ms. Bowers reported a conditional use permit is required for new locations and is subject to the City approving an annual Transient Merchant License and Fireworks Permit. A new conditional use permit will be required if the fireworks permit request is for a new location or if there are changes requested in a previously issued permit.

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

1. A conditional use permit is approved to allow sales of fireworks in a tent at 1200 Hwy 15 S., according to the application details and site plan received by the City on March 31,

2009. Fireworks sales may be allowed for the dates and conditions specified on the fireworks sales permit and transient merchant license issued annually.
2. Annual application and approval of a fireworks permit and transient merchant license are required for future renewals. Any changes to the operations or conditions would require approval of a new or amended conditional use permit.
 3. The applicant must locate the property lines before placement of the tent and nothing may be placed within the right of way.
 4. All display and sales areas must be kept secured.
 5. Signage requires a separate sign permit prior to installation and may not be placed in the right of way.

The Commission asked how many fireworks tent sales permits are issued and if there was a limit to the number of tent sales that are allowed. Staff stated there was one last year and there are two proposed this year. There is currently no number specified, however if there becomes an issue it could be considered in the review of new CUP applications. The City Attorney stated that the transient merchant license review is limited to a background check. Also discussed was how the tents are secured. Staff responded that generally the tents have a person on site 24 hours a day for security.

Mr. Kovacic made a motion to close the hearing. Seconded by Ms. Rock the hearing closed at 5:42 p.m. Mr. Fahey made a motion to recommend approval of the request with staff recommendations 1-5. Seconded by Mr. Czmowski, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held May 26, 2009, in the Council Chambers at 5:30 p.m.

b) **CONDITIONAL USE PERMIT TO ALLOW A MURAL ON THE NORTH WALL OF A BUILDING OWNED BY SKIP QUADE LOCATED AT 140 MAIN STREET NORTH REQUESTED BY KAREN (KAY) PETERSON**

Chairman Lofdahl opened the hearing at 5:43 p.m. with the reading of publication #7754 as published in the Hutchinson Leader on May 7, 2009.

Ms. Bowers explained Kay Peterson is requesting approval of a conditional use permit for a mural to be placed on the north exterior wall of the building at 140 Main Street North, which is owned by Skip Quade. The wall faces the vacant lot that was formerly the Hutch Pet Hospital, which is now owned by the City. The lot has been identified as a future location for a downtown gateway park. The proposed mural would be 8' x 64', painted on a fiberglass sign panel, and fastened to the building. It would feature well-known Hutchinson people such as Mike Hogan, Lindsey Whalen, Les Kouba, etc. A conditional use permit shall be granted if the use meets the following standards:

- (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 reported on the following staff recommendation:

1. The framing of the mural shall be enclosed to protect the building from the outside elements.

Discussion followed on the ownership of the building and if there is a future change in ownership. Ms. Bowers stated the conditional use permit goes with the property and is not tied to a specific owner.

Kay Peterson, 16 Grove Street South, explained the mural is her idea and will be done in panels on the building. She stated, should there be a change, the panels can be removed and placed elsewhere. Ms. Peterson owns the mural there are no public funds. Ms. Peterson stated there will be no advertising and no lighting on the sign. The EDA Board unanimously approved the mural.

Mr. Albers, artist, presented the mural design and information on the proposed materials. He has developed a frame for the mural that would meet the recommendation of staff to enclose the mural to keep out animals and water from behind the mural. The Commission discussed the review letter from MNDOT, whether there would be lighting and discussed what is considered a sign. The applicant responded that no lighting is proposed. Staff stated that if lighting is added in the future, it would be reviewed to assure lights would not shine or glare onto the street. The Commission also discussed the concept of public art and relationship to the Public Arts Commission. Staff responded that there could be some debate over whether it is considered public art, as the mural is privately funded, privately owned, and installed on a privately owned building, however a very prominent location that will be viewed by the public. Ms. Peterson stated that this was discussed when she was on the City Council. The mural is a private project and future maintenance will be addressed.

Mr. Czmowski made a motion to close the hearing. Seconded by Mr. Fahey the hearing closed at 6:15 p.m. Mr. Kovacic made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Fahey, the motion carried unanimously. Chairman Lofdah stated this item will be placed on the City Council consent agenda at their meeting held May 26, 2009, in the Council Chambers at 5:30 p.m.

6. **NEW BUSINESS**

- a) FINAL PLAT OF ENERGY PARK NORTH SUBMITTED BY HUTCHINSON ECONOMIC DEVELOPMENT LOCATED NORTH OF WARRIOR MFG

Ms. Bowers explained previous actions on this property. She commented on the change to the street names, which was approved by the City Council with the preliminary plat. Staff stated the City has received the application for the street right of way plat for Hackbarth Street, which would connect to 5th Avenue S.E. City staff has been working very closely with the project engineer, who has addressed the required revisions in the construction plans. Ms. Bowers explained the staff recommendations as follows:

1. A turnaround for emergency access shall be constructed at the end of the east-west road, Benjamin Avenue. The turnaround shall be maintained until the road is connected to 5th Avenue SE.
2. Outlot A shall be replatted into adjacent property and shall not remain as a separate parcel.
3. The street right of way for the extension of Hackbarth Street to 5th Avenue shall be platted after annexation of the County property west of Warrior Manufacturing.
4. No access will be allowed from the residential properties to the northwest to the subject property.

5. No road crossing shall be constructed over the Luce Line trail on the north side of the property.
6. Utility, grading, and stormwater management plans are subject to approval of the City Engineer.
7. Significant buffering is required on the Northwest corner of the development abutting residential properties.

Ms. Rock made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Kovacic, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held May 26, 2009, in the Council Chambers at 5:30 p.m.

7. **OLD BUSINESS**

8. **COMMUNICATION FROM STAFF**

Ms. Bowers stated an amendment to the Telecommunications Ordinance will be at the June meeting.

9. **ADJOURNMENT**

There being no further business the meeting adjourned at 6:24 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, June 16, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Vice Chairman Chris Kovacic at 5:30 p.m. with the following members present: Christie Rock, Chad Czmowski, Jim Fahey and Vice Chairman Kovacic. Absent: Chairman Lofdahl and 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 May 19, 2009.

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

4. PUBLIC HEARINGS

a) **CONDITIONAL USE PERMIT TO CONSTRUCT A NEW CLUB HOUSE AT CROW RIVER COUNTRY CLUB, 915 COLORADO STREET N.W.**

Vice Chairman Kovacic opened the hearing at 5:32 p.m. with the reading of publication #7761 as published in the Hutchinson Leader on Thursday, June 4, 2009.

Ms. Bowers explained the Crow River Country Club is proposing to demolish their existing club house and build a new club house with roughly the same footprint. She stated approval of a conditional use permit is required for golf courses and related facilities in the R-1 zoning district. She explained there has been a change in the location of the building and the applicant is requesting to table the item to the July 21st meeting.

Mr. Fahey made a motion to table the request to the July 21st meeting. Seconded by Ms. Rock the motion carried unanimously. The hearing remains open.

b) **CONDITIONAL USE PERMIT TO ALLOW A HOUSE TO BE MOVED ONTO AN EXISTING VACANT LOT AT 640 – 5TH AVENUE S.E., REQUESTED BY FLOYD AND DIANE KRIENKE, PROPERTY OWNERS**

Vice Chairman Kovacic opened the hearing at 5:33 p.m. with the reading of publication #7761 as published in the Hutchinson Leader on Thursday, June 4, 2009.

Ms. Bowers commented on the request to move a house onto a vacant lot located at 640 – 5th Avenue S.E. on the northwest corner of Ontario and 5th Ave SE. She explained the Zoning Ordinance requires a conditional use permit to relocate a structure over 10' X 12'. The house to be moved is a 26' x 42' ranch-style home, which would face 5th Avenue S.E. A detached garage would be constructed on the lot with a driveway from the alley. There is a large setback on the east side of the property which is in the 100 year flood plain. The house will be set back out of the 100 flood plain. Ms. Bowers explained the property is located within the 500 year flood zone on the FEMA flood map and is required to meet the Flood Plain Management requirements in the City Code. Staff discussed the fact there must be separate water, sewer and electric services for this house. Ms. Bowers reported moving permits from the City, County and State were also discussed by staff. She explained there

will be no basement but a small room to be used as a storm shelter. The applicants have addressed all issues that needed to be addressed.

Staff recommends approval of the request with the following conditions:

1. The standards for granting a conditional use permit would be met, subject to the conditions stated.
2. Construction of the home shall meet the requirements of the Flood Plain Management ordinance. The building plans and final survey elevations will be reviewed upon submittal of a building permit.
3. As-built elevations must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect.
4. No curb cut will be allowed off 5th Avenue S.E. A driveway to the garage shall be provided from the alley.
5. Construction of the garage must be completed before a certificate of occupancy will be granted for the home
6. Approval of a city moving permit is required prior to moving the structure.
7. The applicants shall obtain the required moving permits from the County and State Highway Depts.
8. Inlet protection is necessary around the catch basin on the southeast corner.
9. An address sign and mailbox shall be placed in the alley. An address sign shall also be place on the front of the house facing 5th Avenue.

There was a question if the request meets the 50% impervious surface requirement. Staff stated it will be under the 50% coverage. There was also a question regarding the requirement of flood proofing techniques. Ms. Bowers stated the requirement is from the flood plain ordinance. Discussion followed on the elevations and surrounding properties affected. Ms. Bowers stated the property drains toward 5th Avenue S.E. Mr. Exner stated there are no drainage concerns and there is a catch basin on the S.E. corner of the lot. The lot is relatively flat.

Mr. Fahey made a motion to close the hearing. Seconded by Mr. Czmowski, the hearing closed at 5:42 p.m. Mr.Czmowski made a motion to recommend approval of the request with staff recommendations 1-9. Seconded by Mr. Fahey, the motion carried unanimously. Vice Chairman Kovacic stated this item will be placed on the City Council consent agenda at their meeting held June 23, 2009 in the Council Chambers at 5:30 p.m.

c) AMENDMENT TO ZONING ORDINANCE SECTION 154.119, TELEVISION AND RADIO ANTENNAS, TO UPDATE AND REVISE THE STANDARDS AND REQUIREMENTS FOR TELECOMMUNICATION FACILITIES

Vice Chairman Kovacic opened the hearing at 5:43 p.m. with the reading of publication #7761 as published in the Hutchinson Leader on Thursday, June 4, 2009.

Ms. Bowers explained that the Planning and Engineering staff have been working with S.E.H. on a telecommunications study to develop an improved process and ordinance for the review of telecommunication equipment on both public and private property in the City. She introduced Mr. Andy Terry, Short, Elliott, Hendrickson, to comment on the amendments to the zoning ordinance regulating antennas and towers. He commented on a couple of key changes which are specifying application requirements, including a section on resolution of interference, and adding requirements for construction, screening, and maintenance. Language was also updated to reflect current technology, such as renaming the ordinance from "TV and Radio Antennas" to "Telecommunications". The ordinance also clarifies that the requirements apply to

locating antennas and equipment on existing buildings and public structures such as water towers.

Discussion followed on when a permit is needed. Mr. Terry explained new antennas or towers will need a permit. New antennas on pre-existing sites need a permit. Ms. Bowers explained the present process.

Mr. Terry stated minor modifications may be made. There is no grandfathered provision presently. He explained there is no protection in this ordinance for maintenance of existing antennas. There was a question on what happens if the lease is transferred. Ms. Bowers stated conditional use permits go with the land. There was further discussion of the need to add a section to protect existing antennas. Discussion followed on the height regulations. Monopoles are generally less than 75'. Discussion followed on the City owned properties and privately owned poles and the hardship to meet requirements. There were concerns regarding the ordinance impact on existing facilities. There was discussion on protecting the City and the balance between grandfathering and impact on the City. Mr. Exner commented on the balance between maintenance and upgrade. There are three towers Hutchinson. Ms. Bowers explained there may be more lease agreements on City facilities and buildings. Discussion followed on the ordinance regulating satellite dishes. There were concerns with an ordinance that is too subjective.

The consensus is for additional research to alleviate concerns. Mr. Terry agreed to research other ordinances to possibly permit all new installation but modify the construction. Ms. Bowers suggested to define installation and maintenance.

Mr. Fahey made a motion to table the amendment to July 21st Planning Commission meeting. Seconded by Mr. Czmowski, the motion carried unanimously. The hearing remains open.

d) **CONDITIONAL USE PERMIT AMENDMENT, VARIANCE AND REVISED SITE PLAN FOR CONSTRUCTION OF A 51,000 SQ. FT. MANUFACTURING FACILITY AT 900 HWY 7 WEST REQUESTED BY DAGGETT VENTURES**

Vice Chairman Kovacic opened the hearing at 6:15 p.m. with the reading of publication #7761 as published in the Hutchinson Leader on Thursday, June 4, 2009.

Ms. Bowers explained the request is for an amendment to the previously granted conditional use permit, a revised site plan and setback variance. She stated due to changes required by Atomic Crane, the applicant is requesting revisions to the site plan to allow the building to be rotated, a setback variance for the east side of the building to 10 feet from 20 feet and relocating the outdoor storage to the south side of the building. Other site improvements, such as the parking lot, have also been revised to allow the revised placement of the building. She reported the size and design of the building would remain the same as previously approved. Ms. Bowers commented on the parking configuration and the drive. She commented on the parking and drive. Screening will be by an 8 foot fence instead of trees. She explained the movement of the flow in the building. She commented on changes to the drainage plan. The proposed pond will be enlarged to deal with the proposed addition to the paint building. The loading dock area will straddle over the property line. She suggested an easement agreement between the properties and add a condition number 11 stating an access and maintenance easement shall be provided between the properties. Parking and setback requirements have been met with the variance requested.

Staff recommends approval with the following recommendations:

1. The proposal would meet the standards in the Zoning Ordinance, with the exception of the variances provided for in this resolution.

2. A variance to allow a 10' side yard building setback from the 20' required in the I-1 district is approved for the east side of the building. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to width of the lot and need to accommodate the length and flow of the assembled product. The request would not alter the character of the locality.
3. A variance to exceed the 40' maximum building height allowed in the I-1 district to allow a 56' building height was approved by the City Council on April 28, 2009 and remains in effect. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness due to the definition of the height of the building, which uses the highest point of the roof for flat roofs, and specific building needs of the crane assembly and trial fit requirements. The building is unique in that a portion of the building would be only 34' high, however the crane assembly area would be 56' high. The request would not alter the character of the locality.
4. The standards for granting a conditional use permit will be met, subject to meeting the screening requirements in the Zoning Ordinance.
5. Final utility, grading, and stormwater management plans must be approval by the City Engineer prior to grading or any construction on site.
6. The site plan shall be revised to identify the required 10' parking setback to the interior (east) lot line and 20' setback to the street right of way. A minimum of 50 parking spaces are required. The final parking plan shall be approved by the Planning Director prior to construction.
7. A 20 foot access drive must be maintained around the building for emergency vehicles.
8. The outdoor storage area shall be screened in compliance with Section 154.115 of the Zoning Ordinance. The final screening plan shall be approved by the Planning Director. No berming is permitted in the drainage and utility easement areas.
9. Approval of a fence permit is required prior to installation. The fence may not block emergency access to the building and a lock box for the security gates shall be provided for emergency access.
10. Signage shall comply with the requirements of the Zoning Ordinance. Approval of a sign permit for all signage is required.

Isaac Marceau, Operations Manager, Hutchinson Manufacturing and Dan Massa, Westinghouse Parr Nuclear, Manufacturing Engineer, Shoreview MN, explained the flow of product from east to west and the need for the zero setback. Discussion followed on the building code requirements of the zero setback. Marc Sebor explained employees may speak on Mr. Daggett's behalf. There was further discussion on the impact of allowing a zero setback. Mr. Marceau stated there must be two separate properties. He explained expansion of the paint building is not in the immediate future.

There was much discussion on the proposed side yard setback. Two plans have been developed, one showing a zero side yard setback to the east lot and one with a 10 foot setback. Staff stated that based upon our meeting with Mr. Daggett, he is requesting a variance to allow a 10' setback, rather than the 20' required. Mr. Daggett was not present at the meeting, however his representatives stated they needed a zero setback to meet their needs for turning semi's on the west side of the building. Staff explained that additional Building Code requirements are triggered with a zero setback related to firewalls. The applicants presented information showing the turning area needed for the trucks and requested approval of a variance to allow zero setback. Staff stated the Commission could recommend a variance to allow the zero setback, however Building Code requirements will need to be met and will be reviewed when building plans are submitted. Also discussed was the loading dock door on the east side of the building. The screening requirements and landscaping along Les Kouba Parkway were also discussed.

Mr. Czmowski made a motion to close the hearing. Seconded by Ms. Rock the hearing closed at 6:36 p.m. Mr. Fahey made a motion to recommend approval of the request with staff recommendations 1-10 and the addition of # 11. Also, changing #2 to add at owner's discretion zero

setback and meeting all building code requirements. Discussion followed regarding the landscaping on the south side of the property with a wood fence. Mr. Exner explained the City has discussed the fence and landscaping issues. He stated the City may build a berm along Les Kouba parkway in the future. The security fence will be installed up to the property line. There was further discussion regarding the security of the property. Mr. Exner stated screening along the trail is the City's responsibility. Screening is required on the south side because of the outdoor storage. Rob Woller, Westinghouse Parr Nuclear, Lynnwood, WA, commented on the product in the storage area that must be secured. Seconded by Mr. Czmowski, the motion carried on a 3 – 1 vote. There was a roll call vote. Fahey, Czmowski and Rock voting aye and Kovacic voting nay. Vice Chairman Kovacic stated this item will be placed on the City Council regular agenda at their meeting held June 23, 2009 in the Council Chambers at 5:30 p.m.

e) PRELIMINARY AND FINAL PLAT OF RIGHT OF WAY PLAT NO. 11 SUBMITTED BY WARRIOR MFG AND MCLEOD COUNTY FOR NEW ROAD, HACKBARTH STREET S.E. TO SERVE ENERGY PARK NORTH

Vice Chairman Kovacic opened the hearing at 6:49 p.m. with the reading of publication #7761 as published in the Hutchinson Leader on Thursday, June 4, 2009.

Ms. Bowers explained that Right of Way Plat No. 11 designates the right of way for a new north/south road called Hackbarth Street to serve the proposed Energy Park North industrial park. The proposed street would connect the industrial park to 5th Avenue and would be located half on Warrior Manufacturing's property and half on McLeod County's property. The "Hackbarth Street" name was approved by the City Council on the Energy Park North plat. She stated the road will be 70 feet wide and 500 feet in length.

Staff recommends approval of the right of way plat with the following conditions.

1. The platted roadway meets the subdivisions standards for new roadways in the City Code.
2. No on-street parking is allowed on Hackbarth Street.

Ms. Rock made a motion to close the hearing. Seconded by Mr. Fahey the hearing closed at 6:51 p.m. Mr. Fahey made a motion to recommend approval of the request with staff recommendations 1 and 2. Seconded by Ms. Rock, the motion carried unanimously. This item will be placed on the City Council consent agenda at their meeting held June 23, 2009, in the Council Chambers at 5:30 p.m.

5. **NEW BUSINESS**

6. **OLD BUSINESS**

7. **COMMUNICATION FROM STAFF**

- a) Ms. Bowers reported, with Lynn Otteson's resignation, the City will be looking for a new planning commissioner.

8. **ADJOURNMENT**

There being no further business the meeting adjourned at 6:52 p.m. Motion by Czmowski, second by Rock.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, July 21, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman John Lofdahl at 5:28 p.m. with the following members present: Chris Kovacic, Jim Fahey, Chad Czmowski, Farid Currimbhoy, Dave Johnston and Chairman Lofdahl. Absent: Christie Rock Also present: Rebecca Bowers, Planning Director, Kent Exner, City Engineer, Marc Sebor, City Attorney and Deb Crooks, Permit Technician

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE OF NEW PLANNING COMMISSIONER DAVE JOHNSTON

a) City Attorney Marc Sebor, gave the oath of office to Dave Johnston.

4. CONSENT AGENDA

a) Consideration of Minutes dated June 16, 2009.

Mr. Chad Czmowski moved to approve the consent agenda as submitted. Seconded by Mr. Jim Fahey. The consent agenda was approved unanimously

5. PUBLIC HEARINGS

a) VARIANCE TO ALLOW A CORNER SIDE YARD SETBACK OF 12 FEET WHERE 25 FEET IS REQUIRED FOR CONSTRUCTION OF AN OUTDOOR ICE RINK AT 950 HARRINGTON STREET S.W.

Chairman Lofdahl opened the hearing at 5:31 p.m. with the reading of publication #7764 as published in the Hutchinson Leader on Thursday, July 9, 2009.

Ms. Bowers explained the Hutchinson Hockey Association is requesting a variance to construct a 60' x 150' outdoor ice rink on the west side of the Civic Ice Arena. A variance is required as the rink would be set back 12 feet from the property line, where 25 feet is required by the Zoning Ordinance. She stated the proposed rink would be 3' from the sidewalk and 5' from the building. The sides of the rink would be green treated wood with chain link fence proposed on each end of the rink. The structure would remain in place year round, with a gravel or grass infield. In the future, lights would be added and it may be hard surfaced for year round use.

Ms. Bowers reminded the Planning Commissioners that in order to grant a variance, the request must meet the standards for granting a variance, including a finding of undue hardship. Undue hardship is a legal standard set forth in MN Statute that means that the property cannot be put to a reasonable use without the variance. She stated the desire for outdoor ice in the community is a separate issue from the specific variance request

for this site. She explained the applicant states the unique circumstances of the lot to be “The area to the west of the arena complex lends itself to an outdoor ice sheet, but is too narrow to meet setbacks.” They state the undue hardship is that a standard hockey rink is 85’ x 200’ and they would like to use as much of this space along the west side of the rink as possible.

Ms. Bowers reported that staff discussed, at their July 6th meeting, several concerns directly related to the variance standards not being met with this request. The majority of staff felt that a hardship has not been clearly demonstrated. There are alternative locations for the rink that would be able to meet setback requirements or the rink could be made smaller to meet the requirements or minimize the amount of variance requested. Several of the concerns raised by staff were related to public safety, such as pucks hitting people passing by on the sidewalk and flying into traffic. The proposal includes chain link fence along the ends of rink, but not along the west. Staff notes that if the proposal moves forward, the fence should surround the rink and be high enough to prevent pucks from flying into the sidewalk and street. Additionally, the arena building should be protected from puck damage. Also noted was that snow and ice on the roof of the building could cause problems if ice sheets would slide off the roof onto the rink when there are skaters present.

There were also concerns noted by staff regarding long-term maintenance of the rink by volunteers, particularly in light of city budget issues. Staff noted a concern with snow storage from the parking lot in the area north of the rink and noted that shoveling the rink would also place additional snow in the snow storage areas and could be an issue for keeping the sidewalks clear. Another issue was the water drainage on the sidewalk when flooding the rink, noting concerns regarding nuisance drainage and keeping ice off the public sidewalk. Staff also discussed that drainage would be a more serious issue if, in the future, the rink is hard surfaced for summer use. Other concerns noted were fire and emergency exit from the building directly into the ice rink. Additional review of the building exiting would be required if the proposal moves forward. Also noted is there is a buried electrical line approximately 1-foot inside the sidewalk that would need to be protected from damage.

Ms. Bowers reported staff recommends denying the variance request with the following findings:

1. The standards for granting a variance have not been met, based upon the following findings:
 - a. The finding of “undue hardship” has not been met. The property could be put to a reasonable use, as it currently exists, without the variance and outdoor ice rink could be constructed at another location that would meet requirements. The desire to locate the ice rink at this location would not constitute an undue hardship when there are other suitable locations that would meet requirements.
 - b. The plight of the landowner must be due to circumstances unique to the property and not created by the landowner. There are some unique characteristics of the property, such as the entire block being used for park

uses and the location of the buildings due to the large central parking lot, however the need for the variance is self-created. The applicant could meet the required 25' setback by constructing a smaller ice rink and placing the rink closer to the building.

- c. The variance, if granted, would alter the essential character of the locality by negatively impacting the adjacent residential properties and public right of way with a year round outdoor rink. An outdoor rink would have additional noise, parking, lighting, and the danger of flying pucks that would impact the residential character of the neighborhood and safety of the public right of way.

The Commission members discussed the need for outdoor ice in the city. Mr. Czmowski asked if Linden Park North of the Recreation Center was considered and whether use of the Zamboni would still be viable.

Mr. Marc Telecky, Hutchinson Hockey Association, stated choice of location was due to double doors exiting on the west side of the building, the high use of the facility and movement of hockey participant traffic would be ideal. Flow using the west side would be much better also for Zamboni use to maintain the ice. The west side doors will have to be retrofitted to some degree. He discussed snow storage issue and stated snow is also piled on the north corner of the parking lot. There is the issue of four small trees which are not in good condition, two of which could be relocated. Hutchinson Hockey Association is using donated dollars for this facility and would help the City with maintenance with the understanding a hard surface would also give inline skaters a designated area.

Mr. Doren Martin, 944 Sunset, lives across from the proposed rink, spoke in opposition to the variance. He noted several concerns, including extra cars, parking, traffic, safety, flying hockey pucks, concerns with noise and lights, particularly in evening, when his family is trying to sleep. He also noted the area has ducks that nest in the bushes along the building that would be disturbed. He stated he would involve Ducks Unlimited and the DNR if necessary. He stated the proposed rink could be located north of the recreation center or in another location.

Mr. Bruce Rosenow, 755 Neil Ave SW., spoke in opposition, noting that many outdoor rinks have been closed by the City and it doesn't make sense to build a new one. He stated concern with the unsightly appearance of the rink, the grass, and the year round use. Discussion occurred on how many rinks were closed, why they were closed, the problems with on-going maintenance and costs, and budget issues. No Parks Dept. staff was present, however it was noted that a representative from the Parks Dept. should be at the Council meeting to answer questions.

Ms. Heather Landreville, 760 Walnut St NE, spoke in favor of the project and has children in hockey. She noted that a chain link fence surrounding the rink would solve the majority of problems. She noted the parking seems adequate and the danger of flying pucks would be addressed by a fence. She compared this to baseball fields that have fencing for protection. She noted that she feels it would be a good use of the space, that outdoor ice is needed in the community, and that this location would be the most convenient for parents.

Mr. Martin added comments in response, and asked how others would like to look at a tall chain link fence all year round. Discussion was held on kids playing hockey in the middle of the street.

Mr. Gary Schmidt, 1240 Heritage Ave. NW., spoke in favor of the proposed site for the rink, however noted another possibility may be to use the north parking lot instead. Discussion on whether the parking would adequate if parking spaces were used for the outdoor rink. Staff stated that analysis of the parking requirements for the facility would need to be done to answer those questions.

Mr. Mark Anderson – 1385 Heritage Ave. NW., spoke in favor of the proposal and stated the costs would be paid upfront by HHA due to the convenience of this location. He discussed the other locations that are not as convenient for parents. He said the overall property issues noted are workable. The drainage issue could be managed with grading the site and fencing or netting would address safety. Year round use would allow it to be used for other sports and would not unsightly. He stated that ice falling off building is not unusual and could be solved by using snow cleats. He also questioned why a variance was needed as there isn't a specific setback defined for outdoor rink. Staff responded that the rink is considered a structure and required to meet the 25' setback.

Marc Sebor, City Attorney, provided guidance to the Commission on the variance standards and noted that the property is owned by the City, however the applicant is the HHA. The variance would need to be meet variance standards like any other variance. He cautioned that if the proposal moves forward, additional review and approval required by the City Council, and details such as a legal agreement regarding insurance, liability, and maintenance would need to be worked out. A franchise agreement must also be approved by the Council before the rink could be located on public property.

The Commission discussed other possible locations on this property and locations in town such as Northwoods Park and the school sites that could be used. Staff stated that there has been much discussion on possible locations, and that the Commission's recommendation should be specific to the variance request at this location. The fact that there are many other locations would be a factor in deciding whether the variance standards are met, such as other suitable location being available where requirements could be met and there are not so many issues.

The Commission discussed some of the impacts of the proposed location, negative impacts to adjacent homes that were stated at the hearing and by staff. Also discussed was the danger of ice sliding off the roof into the rink. Commissioner Fahey noted specific experience with snow cleats not solving the ice problem and damage to equipment from ice sheeting. Councilmember Czmowski stated that he hopes the community can work together to come up with a solution for an alternative location for outdoor ice that wouldn't have the negative impacts identified with this proposed location. The Commission discussed the negative impacts identified, the lack of a hardship, and noted that other potential locations are available. The Commission

stated they hope a compromise can be reached after discussion with Parks Dept staff and the Council.

Chairman Lofdahl made a motion to close the hearing. Seconded by Mr. Kovacic the hearing closed at 6:14 p.m. Mr. Fahey made a motion to deny the request. Seconded by Mr. Currimbhoy the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council agenda as a unanimous vote to deny the variance for the outdoor rink at proposed location.

Mr. Czmowski stated he would like to find a compromise for outdoor ice. Chairman Lofdahl thanked the public for attending and their comments.

- b) **CONDITIONAL USE PERMIT TO CONSTRUCT A NEW CLUB HOUSE AT CROW RIVER GOLF CLUB, 915 COLORADO STREET N.W. (Hearing open from June 16, 2009, meeting)**

The hearing was opened on June 16, 2009, and is being continued at this meeting.

Ms. Bowers outlined the Crow River Golf Club request to remove their existing club house and build a new club house. She stated the application was tabled at the June Planning Commission meeting until the July meeting to allow plans to be revised due to the proposed location of the building was revised to move it further south. A conditional use permit is required in the R-1 zoning district for golf courses and related facilities. The proposed building would have a total square footage of approximately 23,000 sq. ft. with a footprint of approximately 10,080 sq. ft. The building would extend further north than the existing building. The proposed building would be a two story building with both lap and shake siding exterior treatments, stone veneer, and a screened deck. The main level would contain a dining room, a kitchen, pro shop, and bar area. The lower level would contain golf cart storage space, offices, storage areas, and future meeting rooms. There would be very few changes to the site, other than the new building, as the existing parking lots would remain. In reviewing the standards for granting a CUP, staff notes that there would be very little change to the operations than currently exists. The proposal would meet the standards for granting a conditional use permit.

Ms. Bowers commented on the site plan review noting the proposed building would meet the structure setback requirements for the R-1 district. She explained the parking requirements would be met with the proposal. The property is located in the shoreland district and must comply with shoreland ordinance requirements. As noted, the proposed building would comply with the 50-foot building setback required to the ordinary high water level of Campbell Lake. The property would not exceed the 25% impervious coverage requirement in the shoreland district due to the large amount of green space on the property. The DNR Area Hydrologist reviewed the request and noted concerns with increasing impervious surface and offered recommendations for limiting stormwater from draining into the lake. Staff notes that a stormwater permit and erosion control are required, however ponding is not required as the disturbed area would not exceed one acre and there is minimal additional impervious surface area added.

Ms. Bowers reported staff recommends approval of the conditional use permit and site plan, subject to the following conditions:

1. A conditional use permit is approved to allow construction of a new club house, according to the application dated May 19, 2009, revised building plans received on June 29, 2009, and revised site plan and survey received by the City on June 26, 2009
2. The proposal would meet the standards for granting a conditional use permit and the standards in the R-1 zoning district.
3. Construction shall meet the requirements of the shoreland district ordinance.
4. Approval of a stormwater management permit is required along with the building permit prior to any construction on site.

There was discussion regarding finishing the lower level of the building.

Mr. Currimbhoy made a motion to close the hearing. Seconded by Mr. Czmowski the hearing closed at 6:31 p.m. Mr. Kovacic made a motion to recommend approval of the request with staff recommendations 1-4. Seconded by Mr. Czmowski, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held July 28, 2009 in the Council Chambers at 5:30 p.m.

- c) AMENDMENT TO ZONING ORDINANCE SECTION 154.119, TELEVISION AND RADIO ANTENNAS, TO UPDATE AND REVISE THE STANDARDS AND REQUIREMENTS FOR TELECOMMUNICATION FACILITIES (Hearing open from June 16, 2009, meeting)

The hearing was opened on June 16, 2009, and is being continued at this meeting.

Ms. Bowers reminded the Commissioners the proposed telecommunications ordinance was considered at their June 16th meeting. She explained there was no comment from the public on the item. After discussing the ordinance, the Commission tabled action in order to pursue a “grandfathering” provision to allow existing facilities to be exempted from complying with the proposed new standards in the ordinance. She reported Mr. Andy Terry, with S.E.H., and staff have submitted language to be added to the draft telecommunications ordinance to address the existing facilities. She commented on staff discussion recommending additional language to allow the City to recover technical review costs by requiring an escrow for applications that require review by the City’s communications consultant. This requirement is included on the antenna application forms for City-owned sites, however was not included in the previous draft ordinance. Staff would recommend approval of the ordinance including the recent revisions.

Mr. Kovacic made a motion to close the hearing. Seconded by Mr. Czmowski, the hearing closed at 6:39 p.m. Mr. Fahey made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Kovacic, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held July 28, 2009 in the Council Chambers at 5:30 p.m.

6. **NEW BUSINESS**

The Commission welcomed Mr. Johnston.

7. **OLD BUSINESS**

None

8. **COMMUNICATION FROM STAFF**

9. **ADJOURNMENT**

There being no further business the meeting adjourned at 6:41 p.m. Motion by Mr. Currimbhoy. Seconded by Mr. Kovacic.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, August 18, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman John Lofdahl at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, Jim Fahey, Chad Czmowski, Dave Johnston and Chairman Lofdahl. Absent: Farid Currimbhoy Also present: Gary Plotz, City Administrator, 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 21, 2009.

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

4. PUBLIC HEARINGS

a) PRELIMINARY ONE LOT PLAT OF PARK TOWERS ADDITION AND VACATION OF A PORTION OF GLEN STREET S.W. REQUESTED BY JEAN WARD, HUTCHINSON HRA

Chairman Lofdahl opened the hearing at 5:30 p.m. with the reading of publication #7769 as published in the Hutchinson Leader on August 6, 2009.

Mr. Plotz explained the Hutchinson HRA is requesting a preliminary plat to combine several lots into one lot and to vacate the remaining portion of Glen Street located on the lot for a repaving project at Park Towers. The HRA plans to repave the parking lot on the northwest side of the site, however in researching the details of the property, staff discovered that part of this area is still right of way and does not appear to be owned by the HRA. Part of the parking lot is a portion of Glen Street was not vacated in 1972 when a portion of Glen Street was vacated to 3rd Avenue SW. The building was constructed in 1974. The parking lot is also over property lines. Platting the properties into one lot will remove interior lot lines and clean up existing property line issues. He stated staff recommends approval of the preliminary plat and vacation, with the following condition:

1. The final plat shall identify the westerly easement as a sidewalk, drainage and utility easement.

Pete Carlson, 236 Franklin Street, asked that Park Towers not hardsurface for parking the green space in the S.E. corner of the plat for snow removal purposes. Jean Ward, HRA stated there are no plans for visitor parking in the corner green space at this time. Discussion followed to add a second condition to the recommendation that the green space will not be changed by paving for parking on the S.E. corner of the plat.

Mr. Johnston made a motion to close the hearing. Seconded by Ms. Rock, the hearing closed at 5:40 p.m. Mr. Fahey made a motion to recommend approval of the request with staff recommendations and adding the second recommendation to maintain the green space in the southeast corner of the plat. Seconded by Ms. Rock, the motion carried unanimously.

Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held August 25, 2009 in the Council Chambers at 5:30 p.m.

5. **NEW BUSINESS**

a) LOT SPLIT OF 8.63 ACRES FROM HTI PROPERTY AT 45 WEST HIGHLAND PARK DRIVE

Mr. Plotz reported the proposed lot split would create a new 8.63 acre lot to allow that portion of the site to be sold. The new lot would be substantially larger than the minimum requirements for the I-1 zoning district, where a minimum of 1 acre lot size, 200-foot lot width and 250-foot lot depth are required. The proposed lot has a primary entrance on Bluff Street, a service drive from Bluff Street, a separate parking lot, and is also connected to the main campus through private drives. The building on the proposed lot was recently used for educational purposes. He explained as the property would share access with the main campus, an ingress/egress easement description has been prepared and is shown on the attached survey. Utility easements are also shown on the survey. The new lot will be assigned a new Bluff Street address after subdivision.

Mr. Exner explained this site drains in the ponds to the south of the lot. He stated a stormwater maintenance agreement is necessary to address the future shared maintenance between HTI and the property owner of the proposed lot. He stated the driveway must be to City standards to better delineate the opening to Bluff Street.

Mr. Dwight Bordson, Hutchinson Technology Inc., described the angle for larger trucks movement in and out of the driveway onto Bluff Street. He stated they will work out the issues with the City when the lot is sold. Mr. Exner stated there are a number of unknowns until the lot is sold. He explained curb and gutter must be added to delineate the approach. The City will work with HTI to make it work. Mr. Bordson asked if this recommendation can it be worked out when the building is sold so the driveway will work with the use. Mr. Exner explained the curb width at the entrance to the property must be minimized. Discussion followed on changing the curb and driveway when the building is sold. Mr. Bordson stated he would like to split the property now and wait to see the use. City Atty. Sebora stated the proposed language is loose enough to allow for City review of the driveway to city standards.

Mr. Plotz stated staff recommends approval with the following recommended findings and conditions:

1. The proposed lot split would meet the standards of the I-1 zoning district.
2. A stormwater maintenance agreement will be needed to address the future shared maintenance between HTI and the property owner of the proposed lot.
3. The service driveway onto Bluff Street shall be constructed to City standards.
4. The lot split must be recorded at McLeod County Recorder's Office within one year of approval by the City.

Mr. Fahey made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Kovasic, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held August 25, 2009 in the Council Chambers at 5:30 p.m.

Mr. Fahey was excused at 5:55 p.m.

6. **OLD BUSINESS**

None

7. **COMMUNICATION FROM STAFF**

- a) Ms. Baumetz updated the Commissioners on the applications for the September agenda received to-date.
- b) Mr. Plotz informed the Commissioners of a question by the Culver's manager to increase the number of portable/temporary signage allowed yearly.
- c) Mr. Plotz reported on a meeting with members of the Hockey Association regarding the possibility of outdoor ice at Northwoods Park. They will look at a more permanent solution in the future.

8. **ADJOURNMENT**

There being no further business the meeting adjourned at 6:05 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, September 15, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman John Lofdahl at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, Jim Fahey, Chad Czmowski, Dave Johnston and Chairman Lofdahl. Absent: Farid Currimbhoy Also present: Gary Plotz, City Administrator, 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 18, 2009.

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

4. PUBLIC HEARINGS

a) VARIANCE TO INCREASE LOT COVERAGE IN SHORELAND AREA FROM 25% TO 28% FOR ADDITION TO EXISTING HOUSE AT 1880 WEST SHORE DRIVE S.W. REQUESTED BY JEREMY AND STACY CROSBY, PROPERTY OWNERS

Chairman Lofdahl opened the hearing at 5:32 p.m. with the reading of publication #7771 as published in the Hutchinson Leader on September 3, 2009.

Mr. Plotz explained the staff reviewed the proposed variance at the August 31st staff meeting. He noted staff discussed calculation of that portion of the lot that is not in the shoreland area and also, if the 10' x 10' deck would be included in the calculation. He reported the staff recommendation was to deny the request for lack of hardship and the fact the property can be used in a reasonable manor. Mr. Plotz stated staff is researching the questions of the property owner and a number of staff questions with the DNR Hydrologist for a definition of the shoreland area regulations and, to date, have not received an answer. He reported staff concerns setting precedence if approving this variance when future requests are made. He explained the history of similar variances.

Discussion followed on calculating the property out of the shoreland area. Atty. Sebor reminded the commission that our ordinance is modeled after the DNR guidelines. There was further discussion on the uniqueness of this property. Mr. Fahey stated this is not a waterfront property. Properties to the west are not as impacted by the ordinance and impact is minimal.

Mr. Exner explained the intent of the ordinance. He reminded the commissioners the ordinance is to draw the line somewhere. Mr. Exner stated the systems have been designed to handle more than 25% lot coverage and he explained the DNR arrived at this percentage for the best management practices. Discussion followed on the compacted soils in the area which happens during construction.

Jeremy Crosby, 1880 West Shore Drive S.W., commented on the drainage and the placement of the drainage pipes which take 50% of the water west from the back of the lot. He explained

the uniqueness of the property is the corner which is not in the shoreland area. He noted asking for the variance as the correct way to follow procedures. Mr. Crosby explained he did receive prices for a rain garden and is willing to add a rain garden if the commissioners would recommend to do so.

Mr. Cmowski made a motion to close the hearing. Seconded by Mr. Fahey the hearing closed at 5:53 p.m. Mr. Johnston made a motion to recommend approval of the request. Seconded by Mr. Cmowski. Ms. Rock cautioned the Commissioners that it sets a precedence. Mr. Fahey explained he understands the staff has to follow the rules. Mr. Kovocic stated the recommendations as 1. Undue hardship has been met. 2. The property is unique as there is a drainage pipe in the rear yard directing drainage to the west away from the lake. The motion carried 4 ayes, 2 nays and 1 absent. Roll call vote: Aye: Fahey, Cmowski, Johnston and Kovacic; Nay: Rock and Lofdahl; Absent: Currimbhoy. Chairman Lofdahl stated this item will be placed on the City Council regular agenda at their meeting held September 22, 2009, in the Council Chambers at 5:30 p.m.

- b) CONDITIONAL USE PERMIT TO ALLOW REPLACEMENT OF A GARAGE AT A RESIDENCE IN THE C-3 ZONING DISTRICT AND A VARIANCE TO ALLOW A 3.5 FOOT SETBACK FROM THE RESIDENTIAL ZONING BOUNDARY WHERE 10 FEET IS REQUIRED AT 246 FRANKLIN STREET S.W. REQUESTED BY JIM AND JENNIFER MILLER, PROPERTY OWNERS

Chairman Lofdahl opened the hearing at 5:59 p.m. with the reading of publication #7771 as published in the Hutchinson Leader on September 3, 2009.

Mr. Plotz explained the request to remove an existing garage and replace the garage with a 688 sq. ft. garage at 246 Franklin Street S.W. The property is a residential use in the C3 (Central Commercial District). He reminded the commissioners the City Code allows the following single family residences applying for additions, decks, garages, remodeling, or other single-family related uses by conditional use permit in the C-3 District. A conditional use permit is also required to move a building onto the lot. The second part of this request is to grant a variance to allow the new garage to remain at 3.5 feet from the westerly property line which abuts a residential district. The zoning ordinance requires a 10 foot setback from a residential district, zero setback from an interior lot line abutting a commercial district and 20 foot accessory building setback from a street right of way. The Park Towers property is the R-4 district to the west across the alley from this property. Mr. Plotz reported the property owner stated the hardship as the difficulty in accessing the garage if it were to be 10 feet into the property.

Mr. Plotz commented on the following recommendations:

1. The proposal would meet the standards in the Zoning Ordinance, with the exception of the building setback for which a variance is requested.
2. A moving permit is required to move the building onto the lot.
3. The standards for granting a variance have been met, including the finding of undue hardship and uniqueness. The characteristics of the property were not created by the applicant and the proposed garage would not alter the character of the locality.
4. If relocation of utility service is necessary it will be at the property owner's expense.
5. The expansion of the alleyway entrance must meet City standards and will be at the property owner's expense.

Discussion followed on the dimensions of the existing garage and the garage to be moved to the lot.

Mr. Miller, 246 Franklin Street S.W., explained that he will not be widening the driveway from 3rd Ave. The garage being moved in will not require widening the driveway. He stated this garage is 4 feet longer than the existing garage.

Mr. Kovacic made a motion to close the hearing. Seconded by Mr. Johnston, the hearing closed at 6:09 p.m. Mr. Fahey asked if the City needed a wider alley entrance. Mr. Exner stated the City would rather not have the driveway widened. Mr. Fahey made a motion to recommend approval of the request for a conditional use permit and variance with staff recommendations 1-4 deleting number 5 regarding the expansion of the alleyway entrance. Seconded by Mr. Kovacic, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held September 22, 2009, in the Council Chambers at 5:30 p.m.

- c) PRELIMINARY AND FINAL PLAT OF HUTCHINSON MANUFACTURING SECOND ADDITION AND VACATION OF EASEMENT TO VACATE THE PREVIOUSLY PLATTED EASEMENT IN HUTCHINSON MANUFACTURING ADDITION REQUESTED BY TOM DAGGETT, PROPERTY OWNER

Chairman Lofdahl opened the hearing at 6:13 p.m. with the reading of publication #7771 as published in the Hutchinson Leader on September 3, 2009.

Mr. Plotz explained the proposed preliminary and final plat is a two lot plat. The proposed Lot One, Block One is 4.44 acres and Lot Two, Block One is 10.29 acres. The lots meet the requirements for the Light Industrial district. He stated the vacation of easement is to remove the previously platted easement and include a drainage and utility easement along the easterly property line of Lot One. He explained the purpose of the plat is to allow a 60 foot setback on the east side of the proposed building.

Staff recommends approval of the plat with the following conditions:

1. The final plat shall be recorded at the McLeod County Recorder's Office within 270 days of approval.

Mr. Tom Daggett, property owner, asked about the easement to be vacated. Mr. Plotz explained the easement to be vacated was a previously platted easement along the lot line. Now there will be new lot line with new easements platted on both sides of the new lot line requiring vacation of the old easement.

Mr. Fahey made a motion to close the hearing. Seconded by Mr. Johnston, the hearing closed at 6:17 p.m. Ms. Rock made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Kovacic, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held September 22, 2009, in the Council Chambers at 5:30 p.m.

- d) CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 24' X 24' STORAGE GARAGE ON SCHOOL PROPERTY AT 1200 ROBERTS ROAD S.W. REQUESTED BY BRIAN MOHR, BUILDING AND GROUNDS SUPERINTENDENT, ON BEHALF OF SCHOOL DISTRICT 423, PROPERTY OWNER

Chairman Lofdahl opened the hearing at 6:18 p.m. with the reading of publication #7771 as published in the Hutchinson Leader on September 22, 2009.

Mr. Plotz commented on the request noting a conditional use permit is required in the R-2 zoning district for schools and related facilities. The proposal is to construct a 24' x 24' storage garage on the high school property near the tennis courts and other storage buildings. There is an existing storage building that will be demolished located near the practice fields. The new building will look identical to the existing storage building near the tennis courts.

Staff recommends approval with the following recommendations:

1. The standards for granting a conditional use permit would be met, subject to the conditions stated.
2. Building code requires the new building must be located at least 6 feet from the existing storage garage.

Mr. Johnston made a motion to close the hearing. Seconded by Ms. Rock, the hearing closed at 6:20 p.m. Mr. Kovacic made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Johnston, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held September 22, 2009, in the Council Chambers at 5:30 p.m.

e) PRELIMINARY PLAT OF LES KOUBA RIVERVIEW ADDITION SUBMITTED BY HUTCHINSON ECONOMIC DEVELOPMENT AUTHORITY

Chairman Lofdahl opened the hearing at 6:21 p.m. with the reading of publication #7771 as published in the Hutchinson Leader on September 3, 2009.

Mr. Plotz commented on the request to combine several lots into one lot. He also commented on the roadway that was not platted previously. This lot will be one marketable lot. When platted, the lot will be approximately 3 acres. Platting the properties into one lot will remove interior lot lines and clean up property line issues. The properties were previously owned by Cenex, Mrs. Wright and former railroad property.

Discussion followed on the possibility of rezoning the property in the future. Mr. Seppelt, EDA Director, explained the use will most likely be a commercial use. The one lot plat will bring it into a marketable property. He explained the property is in the shoreland district and the 25% lot coverage requirement will apply. He stated this will remain one large lot. It is in the flood plain and shoreland. Discussion followed on the Hwy 7 plan. Mr. Seppelt added the use would possibly be more like the nature of the businesses to the east. Discussion followed on the River area uses.

Mr. Fahey made a motion to close the hearing. Seconded by Mr. Johnston the hearing closed at 6:28 p.m. Mr. Fahey made a motion to recommend approval of the request with staff recommendations. Seconded by Ms. Rock, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held September 22, 2009, in the Council Chambers at 5:30 p.m.

5. NEW BUSINESS

a) FINAL PLAT OF PARK TOWERS ADDITION SUBMITTED BY HUTCHINSON HOUSING AND REDEVELOPMENT AUTHORITY

Mr. Plotz stated there are no changes from the preliminary plat. The final plat is consistent with the approved preliminary plat and contains one lot.

Staff recommends approval of the final plat with the following condition:

1. Maintain green space in the southeast corner of the plat.

Ms. Rock made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Fahey, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held September 22, 2009, in the Council Chambers at 5:30 p.m.

6. OLD BUSINESS

None

7. COMMUNICATION FROM STAFF

a) UPDATE ON 2009 WORK PLAN

Mr. Plotz commented on the on-going activities which are being kept up. He read through the future activities.

Mr. Exner commented on the transportation plan which is from 1998. He stated the parks and trails plan is also outdated. Mr. Plotz commented on the possibility of hiring a consultant to help with writing the plan. He explained this will probably be on hold until there is a new director of planning and zoning.

b) DISCUSSION OF AMENDING THE PORTABLE/TEMPORARY AND BANNER SIGN ORDINANCE

There was discussion on enforcing the portable sign ordinance and the banner sign ordinance. Staff was directed to come back to the board with possible new language next month.

c) SPECIAL MEETING TO REVIEW PAN O GOLD SITE PLAN REVIEW.

Mr. Plotz explained there has been a request for a special meeting to review a site plan for the potential Pan-O-Gold site at 336 Michigan Street S.E. There will be a quorum for the meeting on Tuesday, October 6, 2009.

d) Ms. Baumetz stated at this time, there are no items for the October 20th meeting. However, the deadline is September 16th.

e) Atty. Seborra commented on the possibility of the orderly annexation agreement discussions coming back to the Joint Planning Board. He commented on the orderly annexation past history.

8. ADJOURNMENT

There being no further business the meeting adjourned at 6:56 p.m. with a motion by Mr. Kovacic and seconded by Mr. Johnston.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, October 6, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman John Lofdahl at 5:30 p.m. with the following members present: Christie Rock, Jim Fahey, Chad Czmowski, Dave Johnston and Chairman Lofdahl. Absent: Chris Kovacic and Farid Currimbhoy Also present: Gary Plotz, City Administrator, 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 September 15, 2009.

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

4. PUBLIC HEARINGS

None

5. NEW BUSINESS

a) SITE PLAN REVIEW REQUESTED BY ROBERT GARTLAND, PAN-O-GOLD BAKING CO., TO DEVELOP PROPERTY AT 336 MICHIGAN STREET S.E.

Mr. Plotz commented on the request for a special meeting to approve the site plan for the warehouse/distribution of goods for retail development located at 336 Michigan Street S.E. The lot is presently vacant and the proposal includes a 5,000 sq. ft. building, a parking lot with a double access drive and landscaping. He reported that a one-stop-shop was held on September 30, 2009, to review the proposed development. He explained building will be a one-story structure. There will be two offices, a mechanical room, rest room and the majority of the building will be warehouse. Sewer and water are not stubbed into the property from Michigan Street. The developer is responsible for traffic control and detour of Michigan Street. Disturbance of Michigan Street must be complete by the end of October. He commented on the setbacks in the I-1 district. The parking space requirement was figured on the warehouse use of the building. A landscape plan was provided today and reviewed by the City Forester.

Mr. Schnobrich, City Forester, commented on the alternative landscaping in the slope stating it fits with the goals of the community. The square footage from the alternative landscaping plan area was eliminated from the landscape area in determining the number of trees required to meet the landscape requirements. He explained that if a tree is removed from the boulevard it must be replaced on the boulevard. Since two boulevard trees will be removed due to construction of the driveways, two trees are required to be replaced on the boulevard. Mr. Schnobrich reported the landscape plan proposes a buffer of conifers on the north property line. There are eight trees required on the lot. After review of the plan, Mr. Schnobrich explained a 15 ft spacing between conifers would allow for twelve trees. The number is negotiable with the Planning Commission. According to the ordinance requirements, eight trees will be required plus two boulevard trees. Mr. Schnobrich would recommend four additional trees on the north

side of the lot. Discussion followed on the replacement of the boulevard trees and the possibility of escrowing money for the trees. Mr. Schnobrich explained the boulevard trees are to be 1.5 to 2 inch range at \$225.00 cost per tree.

Mr. Plotz commented on the following staff recommendations noting number 12 should be changed to require one unit of SAC and WAC at \$3460.00.

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. Minimize parking of construction equipment on Michigan Street.
3. Site must be to 6" of grade for electrical and natural gas installation.
4. Traffic control and detour is the developer's responsibility.
5. Disturbance of Michigan Street must be complete by the end of October. The developer is responsible to restore the street at their expense. The maximum amount of time Michigan Street may be closed is two days and must be fully restored in one week.
6. Maintain erosion control until vegetation is established.
7. Water from the building and parking lot must be drained to the street and to the south.
8. The building and loading dock steps will require architect plans.
9. Silt fencing must be installed prior to excavation.
10. All signage shall meet ordinance requirements. Sign permits are required prior to installation of the signage.
11. Exterior lighting must be indirect and shall not cause glare to adjacent properties.
12. SAC/WAC fee in the amount of \$6920.00 (2 units x \$3460.00 per unit) will be due at the time of building permit. Change to 1 unit. Kent stated 1 unit will be required \$3460.
13. The final landscaping plan shall be submitted to and approved by the City Forester.

Ms. Rock made a motion to recommend approval of the request. Seconded by Mr. Johnston the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held October 13, 2009, in the Council Chambers at 5:30 p.m.

b) LOT SPLIT REQUESTED BY GARY AND SHARON DANIELS TO SPLIT PROPERTY AT 1165 – 13TH STREET N.W.

Mr. Plotz explained the property owners are requesting to subdivide their 1.6 acre lot at 1165 – 13th Avenue N.W. into two lots. The Easterly lot being .5 acre and the westerly lot at 1.1 acre. There would be a 1200 sq. ft. accessory building remaining on the new lot with no principal building as required in the ordinance. This request is similar to another application at 1160 – 13th Ave. N.W. in 2001. At that time, there was a condition requiring a primary structure must start construction within one year of the application date. To date, there is no primary structure on that lot. He reported staff recommended denial of the lot split or removal of the shed as required in a previous request in 2007 on Delaware Street which was withdrawn by the property owner.

Chairman Lofdahl, commented on the Plowman lot split to the south of this property. He explained the lot split request on Delaware Street had a flood plain issue and many other issues.

Ms. Baumetz commented on the history of previous similar lot splits.

Ms. Daniels, property owner at 1165 – 13th Ave NW, questioned the two different issues. She stated they do not have a purchaser at this time and are splitting the lot for the possibility of

selling the lot in the future. She explained the history of the lot which they purchased in 1975. The existing lot was platted by Mr. Krsiean in 1979 and not recorded. The property was annexed to the City in 1996 after the accessory structure was constructed. The property was then rezoned from commercial to residential. The shed was built prior to annexation to the City. She commented on the well maintained structure. She explained they are going to continue the same use since there is not an immediate buyer. The lot split is for future options. Discussion followed on creating a nonconforming lot because of the shed located on the property without a principal building. There was also discussion regarding the lot being more valuable with the building.

Discussion followed on approving the request with a condition that the lot could not be used unless there is a house. The lot cannot be used for commercial use as it is zoned residential. Atty. Sebor explained it is good planning to maintain the property as a residential lot and not use the building for any other use. Discussion followed on the interpretation of the ordinance. The Plowman lot is not being used for a commercial use only storage. There was discussion on the sale of the new lot and the possibility of the new owner using the building only for storage and never intending to construct a home on the lot. Discussion followed on the home occupation requirements. Discussion followed on the fact the existing lot was nonconforming with 2 sheds when annexed. The lot split would create one conforming lot and one nonconforming

Mr. Fahey made a motion to recommend approval of the lot split with the following conditions 1. The accessory building does not have to be removed. 2. The use of the building may remain as long as the existing property owners own the property and 3. New owners may only use the building for construction storage during construction of a house on the lot. Seconded by Mr. Johnston the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held October 13, 2009, in the Council Chambers at 5:30 p.m.

6. OLD BUSINESS

7. COMMUNICATION FROM STAFF

Mr. Plotz commented on the possible review of the EAW for the Hutchinson Senior Housing development by Hutchinson Area Health Care. Ms. Baumetz stated we have one application for a final plat for the November meeting.

Mr. Plotz commented on the upcoming shoreland ordinance changes by the State. He reported on the small change by the City Council on the conditions for the small lot at 1880 West Shore Dr SW. He commented on the Planned Unit Development concept in the shoreland ordinance. He reported the City can revise and vary the model shoreland ordinance.

8. ADJOURNMENT

There being no further business the meeting adjourned at 6:30 p.m.

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, November 17, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman John Lofdahl at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, Jim Fahey, Chad Czmowski, Dean Kirchoff , Dave Johnston and Chairman Lofdahl. Absent: None Also present: Gary Plotz, City Administrator, Kent Exner, City Engineer, Marc Sebor, City Attorney and Bonnie Baumetz, Planning Coordinator

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE FOR DEAN KIRCHOFF

4. CONSENT AGENDA

a) Consideration of Minutes dated October 6, 2009.

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

5. PUBLIC HEARINGS

a) VARIANCE TO INCREASE MAXIMUM LOT COVERAGE OF 25% IN THE SHORELAND AREA FROM THE EXISTING 32% TO 33% AT 915 LAKEWOOD DRIVE S.W. REQUESTED BY JOEL AND JACKIE PENKE, PROPERTY OWNERS

Chairman Lofdahl opened the hearing at 5:34 p.m. with the reading of publication #7779 as published in the Hutchinson Leader on November 5, 2009.

Mr. Plotz commented on the request to construct a 16' x16' addition (256 sq.ft.) to their home at 915 Lakewood Dr. S.W. He explained the property is located in the shoreland district. The addition would increase the coverage from approximately 32% to 33%. He explained they stated the hardship and unique circumstance as;"the split level home was built with sliding glass doors from the top level of the house". He noted the property owners are willing to remove the 7.5' x 10' utility shed. Ms. Baumetz explained the calculations of the coverage.

Mr. Plotz explained in order to grant a variance, the request must meet the standards for granting a variance, including a finding of undue hardship. He reported staff reviewed the proposed variance at the November 4th staff review meeting. Staff recommended to deny the variance request with the following findings:

1. The standards for granting a variance have not been met, based upon the following findings:
 - a. The finding of "undue hardship" has not been met. The property could be put to a reasonable use, as it currently exists, without the variance.
 - b. The plight of the landowner must be due to circumstances unique to the property and not created by the landowner.

Mr. Plotz commented on the possibility of a moratorium to further discuss action to take on the properties in the shoreland district. He reported the DNR will be approving a new ordinance in 2010. Staff would like to wait until a moratorium is in process.

Discussion followed on the coverage and options to reduce other impervious surface on the property by possibly removing some of the driveway and patio. There was also discussion on leaving the percentage at 32%.

Joel and Jackie Penke, 915 Lakewood Dr. S.W. stated the home was a spec home and already there when they purchased the property. They stated they would not have added the patio and shed if they would have known the shoreland regulation. Mr. Penke stated they did not want a deck and were anticipating an enclosed area in the future. He explained the patio doors are the second exit from the home. They also noted the ability to sell the home as a concern. They stated they will work with the environmentalist regarding the rain garden design. Mr. Penke noted they would like to purchase the lumber now. The new ordinance is a concern for them. Many houses in the area have no deck from the patio doors and are in the same situation as the Penke's. Ms. Penke noted the need for a second exit, resale of the home and safety. Discussion followed on the possibility of moving a portion of the driveway to bring into compliance. Ms. Penke stated they would look at that.

Discussion followed on the standards of meeting the hardship. Ms. Penke asked if making the addition smaller would help them. She asked if there is a percentage credit with a rain garden. The non-conforming structure can remain. Discussion followed on past requests which were closer to the ordinance in percentage and the lots were odd shaped. There was discussion on property modifications to meet the requirements. Discussion followed on waiting for the new shoreland ordinance to be in place before acting on variances.

Atty. Sebora explained the DNR final touches to the ordinance are slated for approval in January. He reported a 15% lot coverage may be in the new ordinance. The City must act on the ordinance within 3 years. Cities can not make the ordinance more lenient than the legislature. There are some rain garden requirements in the new ordinance. Discussion followed on decks being pervious or impervious.

Ms. Penke would like comments on the patio as an existing structure. Mr. Penke commented on the 1% increase. There was discussion on proving hardships. The question raised was when do we start enforcing the regulation? Discussion followed on the last variance passed which was partly out of the shoreland area. Concerns were raised on houses with a patio door and assuming they can build an addition later. Discussion followed regarding the home owners responsibility of disclosing that the home is over the percentage.

Mr. Fahey made a motion to close the hearing. Seconded by Mr. Kovacic, the hearing closed at 6:14 p.m. Mr. Johnston made a motion to recommend to deny the request due to lack of hardship. Seconded by Mr. Kovacic. Discussion followed on the need for a moratorium. It was noted the Planning Commissioners must interpret the zoning ordinance and the fact there is a way to do the addition with sacrifice. Mr. Fahey commented on approval if they didn't exceed the 32%. The motion to deny carried with Mr. Fahey voting nay. The vote was split 6 to 1. Roll call: Kirchoff, Rock, Kovacic, Lofdahl, Johnston and Czmowski voting aye. Fahey voting nay. Chairman Lofdahl stated this item will be placed on the City Council regular agenda at their meeting held November 24, 2009 in the Council Chambers at 5:30 p.m.

- b) CONDITIONAL USE PERMIT TO ALLOW DRIVE UP WINDOW LOCATED AT 1380 HWY 15 SOUTH (FORMER CHECKERS BUILDING) REQUESTED BY PAPA MURPHY'S PIZZA

Chairman Lofdahl opened the hearing at 6:20 p.m. with the reading of publication #7779 as published in the Hutchinson Leader on November 5, 2009.

Mr. Plotz explained the property owner is requesting a conditional use permit to allow a drive-up window for Papa Murphy's Take and Bake Pizza to be located at 1380 Hwy 15 South. This is the former Checkers building. The site plan provided allows for the 80 foot stacking requirement. He reported staff discussed the possibility of traffic congestion and traffic flow and would recommend striping be provided to define the limits of the drive-thru lane.

The following are standards for granting a conditional use permit:

- (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.

Mr. Plotz explained staff would recommend approval of the conditional use permit with the following recommendations:

1. The standards for granting a conditional use permit would be met, subject to the conditions stated.
2. Provide striping to define limits of the drive-thru lane.
3. Traffic must not encroach onto the property to the north.
4. A SAC/WAC fee may be collected with the issuance of the building permit. This amount will be determined by the City Engineer.
5. Location of curbing, striping, signage, etc. need to be determined prior to building permit application.
6. Building code standards must be met by the proposal.

Discussion followed on parking requirements if a restaurant were also in the building.

Steven Adams, property owner, stated they have a lease with Ryan Companies and Target and are not allowed to have a restaurant in this location. He explained Fantastic Sams will also have a space in the building and the remaining half of the building will be open for now. He stated he anticipates a low retail use in the building.

Mr. Kirchoff made a motion to close the hearing. Seconded by Mr. Johnston, the hearing closed at 6:31 p.m. Mr. Kovacic made a motion to recommend approval of the request with staff recommendations 1 – 6. Seconded by Ms. Rock, the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held November 24, 2009 in the Council Chambers at 5:30 p.m.

6. **NEW BUSINESS**

a) FINAL PLAT OF LES KOUBA RIVERVIEW ADDITION SUBMITTED BY HUTCHINSON EDA

Mr. Plotz commented on the request and explained the preliminary plat of Les Kouba Riverview Addition was approved September 22, 2009. The final plat is consistent with the approved preliminary plat and contains one lot. The plat will combine several lots owned by EDA for future development. He reported staff would recommend approval of the final plat noting the plat must be recorded within 270 days.

Mr. Czmowski made a motion to recommend approval of the request with staff recommendations. Seconded by Mr. Fahey the motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held November 24, 2009 in the Council Chambers at 5:30 p.m.

- b) Mr. Plotz asked if the Commissioners would be willing to ask for a moratorium in the shoreland area for 6 months. He would need a motion to recommend a moratorium. Atty. Sebora commented on staff frustration. He explained the situation is uncomfortable because of past practice and fairness. There are concerns about present ordinance and mitigation. A moratorium would give appropriate time to study the shoreland ordinance to decide what to do with the nonconforming lots. Staff could have time to study the proposed ordinance and come back with input to the Planning Commission and City Council. Enforcement of the ordinance is difficult. Atty. Sebora stated there must be a motion to consider a moratorium for variances in the shoreland ordinance for 6 months. The consensus of the Planning Commission is not to proceed with a moratorium and work with the existing shoreland ordinance.

7. **OLD BUSINESS**

8. **COMMUNICATION FROM STAFF**

a) REVIEW EAW DOCUMENT FOR PROPERTY OWNED BY THE HOSPITAL AT THE CORNER OF AIRPORT ROAD AND JEFFERSON STREET

Mr. Plotz explained SEH has been hired to contract planning for the hospital project to build a new nursing home north of Airport Road and east of Jefferson Street. He reported the final EAW was included in the packet for Planning Commission information. The City Council will act on the EAW at their next meeting. The planning items will be in front of the Planning Commission at the December 15th meeting.

b) DISCUSSION OF ORDERLY ANNEXATION AGREEMENTS WITH ABUTTING TOWNSHIPS

Atty. Sebora presented information on the orderly annexation agreements proposed and the Lynn Township agreement. He commented on his memo regarding annexations and the orderly annexation agreement timeline. He explained the orderly annexation process was meant to help townships in annexation proceeding. Atty. Sebora explained the Lynn Township agreement. He explained the agreement proposed by the other townships would be a burden to the City.

- c) Mr. Plotz commented on Planning Commissioner and City Council members training on granting variances. Atty. Sebor is willing to do the training. The Planning Commission will set a date at the December meeting for a January training and invite the Council members.

9. **ADJOURNMENT**

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

MINUTES
HUTCHINSON PLANNING COMMISSION
Tuesday, December 15, 2009
Hutchinson City Council Chambers

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

The meeting was called to order by Chairman John Lofdahl at 5:30 p.m. with the following members present: Chris Kovacic, Christie Rock, Jim Fahey, Chad Czmowski, Dean Kirchoff , Dave Johnston and Chairman Lofdahl. Absent: None Also present: Gary Plotz, City Administrator, Kent Exner, City Engineer, Marc Sebor, City Attorney, John Rodeberg, SEH and Bonnie Baumetz, Planning Coordinator

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

a) Consideration of Minutes dated November 17, 2009

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

4. PUBLIC HEARINGS

a) **PRELIMINARY PLAT OF "HAHC FIRST ADDITION", REZONE 15.5 ACRES FROM R1 TO R4, PLANNED DEVELOPMENT DISTRICT AND CONDITIONAL USE PERMIT TO CONSTRUCT A SENIOR HOUSING DEVELOPMENT LOCATED AT 355 AIRPORT ROAD S.E. AND 1500 CALGARY LANE S.E.**

Chairman Lofdahl opened the hearing at 5:32 p.m. with the reading of publication #7782 as published in the Hutchinson Leader on December 3, 2009.

John Rodeberg, SEH consultant, commented on the project, the approved findings of fact and the EAW. Representatives from HAHC, Pope Architects and MFRA were present. He explained the use of a Planned Development District and introduced Cary Linder, Hutchinson Area Health Care.

Mr. Linder commented on the project of a new skilled nursing home with assisted living. He explained Hutchinson Area Health Care is proposing to construct a Senior Housing development that would consist of a 120-bed skilled nursing facility to replace Burns Manor. There will also be 16 units of assisted living in Phase I.

Ward Isaacson, Pope Architects, commented on the site layout and design. The facility will be a small house design with 8 houses (pods) being a neighborhood and the entire building a community. He explained the floor plan of 8 small houses with 17 units each. He reported on the landscaping and parking areas. The future Phase II will consist of assisted and independent living in one building which will be linked to Phase I by an enclosed walkway. He explained the lower basement level will house an area for deliveries, storage areas, clinic and employee lounge. The Main level includes a kitchen, chapel/community space. Second floor includes open space to the first floor. Memory care and transitional care is included in the plan. He commented on the small house concept. Each house has a dining area. The exterior will look like home.

Mr. Linder explained transitional care is for short term/long term stay before returning home.

Mr. Rodeberg explained the location of the property and the 15 acre parcel to be rezoned to R-4. He explained the stormwater system was designed for low density development. The proposed development is quite dense. Mr. Rodeberg explained the need for an EAW when the remaining area is developed in the future. He commented on the ponding, wetland area and the need for the northern street as a public street. Sherwood street will be constructed by the City. The City will be working with MFRA also. Staff recommends approval with the following recommendations:

1. Approval of the rezoning to R-4 (High Density Residential) would be consistent with the Comprehensive Plan and the intent of the R-4 zoning district in the Zoning Ordinance.
2. The northern street shall be publically platted with a 40' street right-of-way with 10 foot utility/drainage easements on each side of the street. Final tree locations dependant on underground utilities.
3. A temporary turnaround for emergency access shall be constructed on the southeast and northeast sides of the property. An emergency access route and plan between the two temporary turnarounds shall be reviewed.
4. The northeast staff parking lot must show required handicapped parking stalls and the sidewalk must be handicapped accessible.
5. The bituminous trail along Airport Road (CSAH 115) shall be constructed at the same time as the rest of the first phase of the development, with the trail connecting back to the main facility at its east termini.
6. All trails and sidewalks shall be ADA compliant and shall provide connections between public and private trails/sidewalks and parking areas.
7. No parking will be allowed on any streets.
8. A parkland contribution fee will be collected with the building permit. Fee amount will be determined by staff and listed in the Subdivision Agreement.
9. Final utility, grading, and stormwater management plans are subject to approval of the City Engineer. (See Attached Engineer's Memo)
10. Developers are to work with the City Forester, Environmentalist and City Engineer on a site soil plan that will provide suitable conditions for growth of trees and plants (helps mitigate added density as required as part of the Planned Development District).
11. Provide a snow storage plan to ensure parking is not lost and that landscaping and plants/trees are not damaged from snow storage.
12. Provide a photometric plan in addition to the lighting plan with cut off fixtures.
13. Verify parking stall sizes.

Mr. Rodeberg commented on the question Mr. Anderson had regarding the turnaround recommendation number 3 regarding the southeast turnaround requirement. He stated there is some leeway with a fully sprinkled building. Mr. Isaacson stated the building is constructed per hospital standards. Recommendation number 5 is an issue for the developer and they would ask not to pave the south trail. Mr. Rodeberg stated the city needs to be insured that the trail gets constructed so that all trails connect. The loading dock for delivery vehicles will be on the north side. There will be no on-street parking allowed. Mr. Rodeberg commented on the soil enhancement need due to the stormwater run-off. He stated there are many on-site materials that may be used for soil enhancement. He commented on the soil specification model presented by the City Forester.

Mr. Rodeberg reported the elevation of the lower level is lower than the wetland/pond elevations.

Discussion followed on water run-off from the building. Mark Anderson, MFRA, reported a combination of gutters and downspouts will be used to get water away from the building. Some

of the downspouts will be connected to the wetland areas. Mr. Exner stated he is concerned with the loading dock area being lower than the ponds. Mr. Anderson commented on the pumping process.

Mr. Rodeberg commented on the lighting of the property and noted the property must be lighted properly for safety. Parking stall sizes were discussed and all meet current standards.

Discussion followed on the existing Sherwood Street stub. Mr. Exner explained he has had conversation with the property owner to the west. He stated he is working on dividing the property and dedicating Sherwood right of way. The south end would be vacated. There would be an easement for a driveway to the new Sherwood Street. A trail system on the south side of the property will loop to Jefferson from Edmonton. Mr. Exner reported there will be a by-pass lane on Airport Road.

Mr. Kovacic made a motion to close the hearing. Seconded by Mr. Cmowski ,the hearing closed at 6:07 p.m. Mr. Johnson made a motion to recommend approval of the request with staff recommendations 1-13. Seconded by Mr. Fahey, discussion followed on the need to hardsurface the trail along Airport Road at this time. The consensus is the trail must be hardsurfaced. There was also discussion regarding item number 3. The northeast turnaround will be constructed by the developer. The southeast parking lot may serve as the turnaround with modifications on the east end with further staff review. The motion carried unanimously. Chairman Lofdahl stated this item will be placed on the City Council consent agenda at their meeting held December 22, 2009, in the Council Chambers at 5:30 p.m.

5. NEW BUSINESS

a) SET DATE FOR PLANNING COMMISSIONER TRAINING ON VARIANCES

Gary Plotz commented on the need to use the Government Training Service or League of Cities to lead the workshop. Staff will research dates and costs.

6. OLD BUSINESS

Mr. Cmowski stated the Penke variance was tabled indefinitely by the City Council. Mr. Lofdahl commented on the DNR interpretation regarding the lake and not river in that area. Mr. Plotz reported the Penke's agreed to an indefinite extension for further review.

7. COMMUNICATION FROM STAFF

Mr. Plotz reported he discussed with City Council to recommend advertising for a Planning Director after the holidays to have the position filled by March.

8. ADJOURNMENT

There being no further business the meeting adjourned at 6:19 p.m.