

CITY OF MOTLEY

PLANNING AND ZONING COMMISSION MINUTES

August 27, 2013, 5:30 PM

1. Call to Order

O'Regan called the meeting to order at 5:30 p.m.

2. Roll Call

Planning commission: Pat O'Regan, Nancy Nieken, Rob Sampson, Amy Hutchison

Absent: Steve Johnson

Staff: Terri Smith, Clerk/Treasurer

Hometown Planning: Ben Oleson

3. Public Hearings

a. Variance Application – Steve Bickford

O'Regan this application had been tabled from the July 2013 meeting.

Oleson noted that the primary new information provided since the last meeting was a survey of the property, as had been requested. The survey indicates that the proposed buildings would be about 4 ft from the north property line and about 4 ft into the road right-of-way on the south side. He also noted that he had communications with MnDoT, who initially seemed to be backing off its recommendation last month that the highway entrance to this property be closed, so long as it was identified as an exit only and the eastern entrance from the city street be closed or moved further to the west. Oleson read an e-mail he received from Rich Munsch at Mn DoT.

Bickford asked if there was storm sewer on the City street. Oleson said there was not – only on the state highway which MnDoT does not want additional water directed to this facility.

Oleson noted the ordinance limits impervious coverage to 50 percent on lots which do not have storm sewer and that the current proposal would exceed that figure.

Discussion followed of the concern with the management of snow melt and stormwater. Bickford indicated he would direct water to the storm sewer if it were in place, but had nowhere else to put it.

Discussion followed regarding the amount of space to the west of the proposed buildings where there is currently an unofficial "alley" that leads to adjacent properties. O'Regan noted that there is no alley officially.

Tony Roberts asked what would be done with the snow. Bickford said he would haul it out if it was heavy snow like last year.

Oleson summarized his recommendations to approve the conditional use permit and caution against approving a variance to be within the road right-of-way. He noted that if the application is approved, he

recommends a stormwater management plan be prepared (which could potentially use the existing catch basin), closing of the highway entrance (noting that with the revised MnDoT recommendation this could be changed to close the east entrance onto the city street or move it further west), and a recommendation that the traffic flow be discussed.

Roberts asked about the survey and the distances of the proposed buildings to the north property line. Oleson explained, referring to the survey.

Steve Bickford asked whether the City had the ability to add conditions that requires Bickford to remove snow under heavy snow conditions. Sampson noted the City does have some ordinances about City Staff that will clear snow that is not removed by property owners as required. Oleson noted he is not familiar with this ordinance, but that they typically are applicable in public right-of-way. If it is on private land, he is not sure that the City could require removal. O'Regan stated he did not think the City could require removal of snow on private property.

Hutchison noted she did not feel the City should get involved in the "alley" question because it is not an alley as far as she can tell. Skeesick said that is wrong it is shared ownership. O'Regan agreed that the City cannot force an owner to plow snow on his own property.

O'Regan asked if Bickford would have any issues closing or moving the eastern entrance onto Eledredge Street. Bickford said no.

O'Regan noted the main concern seems to be the proposed building being into the right-of-way. Bickford said he had discussed alternatives with his builder that would shrink the space between the buildings to 15 ft to bring it much closer to the right-of-way. Sampson clarified the building would still be 0.7-1.4 feet into the right-of-way under that scenario. He said he would still be concerned about this. Bickford noted the City has wider right-of-way than most. Sampson said he'd like to show that something was done to reduce the infringement into the right-of-way and there were reasons.

Sampson asked about where stormwater would be sent. Bickford asked what options he has given there is no storm sewer. Sampson said usually the developer is required to tie into storm sewer or install their own. Bickford said he'd direct water to the existing catch basin. Sampson said that would be fine if the catch basin could accommodate it and infiltrate the water.

Hutchison asked about the roofline on the north building and how water would be directed. Bickford said that he could switch the slope to the south to avoid impact on the adjacent property to the north. Bickford said he could discuss with his contractor. Discussion that gutters could be used to direct water instead of switching the slope.

Oleson asked if the catch basin is something that infiltrates into the ground? Bickford said it filters out pollutants and then exits into the city sewer system. Sampson said the City would have to look at whether the city sewer has the capacity to collect that water – he had thought the catch basin allowed water to infiltrate into the soil.

Discussion followed about the desire for a stormwater management plan.

Oleson stated the Commission could table the application for that information or make a recommendation with the condition that a stormwater management plan be prepared prior to the Council making a final decision.\

Nieken made a motion, seconded by Sampson, to table the application until the September 24, 2013 Planning Commission meeting for Bickford to provide a stormwater runoff managemet plan, to

determine whether it is legal to run stormwater into the city sewer and to show the south building further back from its current proposed location. Motion passed unanimously.

b. Conditional Use Permit Application – Church of St. Michael

Oleson explained the application to extend the parking lot to the north from the existing parking lot, noting there would be about 15 feet between the new parking lot and the street. Oleson also noted that the Church has indicated willingness to plant trees or shrubs in that area if the City requires it. A parking lot is required to obtain a conditional use permit in the Downtown Mixed Use District. Oleson recommends the application be approved on the condition that trees or shrubs be planted consistent with the requirements of the ordinance. There are no specific requirements for number of trees.

Discussion followed regarding whether there should be trees and shrubs in that area, given the proximity to the school property to the north and potential for children being behind shrubs and not visible to motorists.

Oleson asked if the Church knew where the right-of-way was exactly, noting that the County website shows there is enough room. Does the City want to add a condition requiring that they provide evidence they will not be in the right-of-way?

O'Regan noted there is less concern in this application than with the previous hearing due to it being parking lot potentially in the right-of-way as opposed to a building.

Sampson asked if there was storm sewer. It was noted that there is storm sewer. Sampson said he was not concerned about water runoff from the parking lot given this.

The applicant asked if they could have an entrance from both side streets. Further discussion about the existing entrances off of the street to the north, the proposed new entrance. Sampson noted it appeared to be plenty far from the intersection to avoid any traffic concerns – and also that it is further from the intersection than the school entrance to the north.

Discussion that snow removal should not be a problem as it would likely be pushed to the east onto the church's property.

Hutchison noted she felt the proposal would improve the area by creating less need for on-street parking.

Nieken made a motion, seconded by Hutchison, to approve the application as presented without any specific requirement for the planting of trees or shrubs between the parking lot and the street. O'Regan noted he would not like to see shrubs because of the safety concern. Oleson noted he felt the purpose of the ordinance was to provide a visual break as opposed to anything else. Sampson noted he just wanted to make sure that the church knew that the City would appreciate that some trees be planted, but that it not be made a specific requirement.

The motion passed 4-0.

4. Additions or Deletions to the Agenda.

Oleson noted he would like to discuss signage, based on a question received from a landowner. That item was added under Planning and Zoning Administrator's Report.

## 5. Open Forum

There were no persons present wishing to speak.

## 6. Approval of Minutes

Nieken made a motion, seconded by Hutchison, to approve the July 23, 2013 Planning Commission minutes. Motion passed 4-0.

## 7. Planning and Zoning Administrator's Report

Oleson explained a question he received about the placing of a small (i.e. 2' x 2') sign on Highway 10 to direct people to a thrift shop about a block away. Such a sign would be considered an off-premise sign and that these are not allowed by the City's ordinance. However, there is also mention about a "directory sign" that would identify how to locate multiple businesses and that these are allowed in the DMU zoning district. Is this sign a off-premise sign or a directory sign.

Discussion followed about the need to contact MnDoT to determine if the sign meets their standards. Consensus, from the City's perspective, was that the Commission does not have a problem with a small sign (i.e. 2' x 2') out there provided it meets Mn DoT standards. It is more MnDoT's concern than the city's.

## 8. Other Business

### a. Discussion – Definition of "Light Repair Shops" and other Land Use Matrix terms.

Oleson explained the question of "light repair shops" came up in the context of whether a retail sales store could also do some repair work as a secondary aspect of the business. There is no definition of "light repair shops" in the ordinance, but they are listed as a conditional use within the DMU zoning district.

The consensus of the Commission was that the particular business that brought this up is primarily a retail store (which is allowed) and not light repair, and thus no conditional use permit is required.

Oleson noted there are other terms that are also not defined at all or very well defined within the ordinance. The Commission noted this should be addressed, but not immediately as the Comprehensive Plan update is more important.

### b. Discussion – "Tiny Home" development concept.

Oleson explained he had been contacted by an individual who was exploring the feasibility of having a "tiny home" development that is similar to a manufactured home park in layout, except that the homes themselves are more site built and not on trailers.

The Commission noted concerns with compliance with minimum home width requirements, building code requirements, the cost of extending city sewer to the property and potential licensing from the Minnesota Department of Health.

c. Discussion – Planning Commission/Board of Adjustment Policy

The Commission discussed the draft Policy, which has been discussed several times in the past. Oleson noted the changes he had made based on the comments in July from the Commission.

The Commission requested the following changes to the draft presented:

1. Section 5: Change this section so that regular meeting schedule is as determined by the City – not a specific date/time.
2. Section 11 (E): Change wording to indicate that the agendas for meetings be provided to the Commission members, but not specify who is responsible.
3. Section 12 (B): Add Planning Commission Secretary as one of the people responsible for preparing minutes of meetings.
4. Section 16 (D): Add Planning Commission Secretary and remove City Staff from being assigned secretarial duties.
5. Section 20 (A): Require that at least 4 or 5 of the Planning Commission members be residents of the City of Motley (leave the exact number up to the City Council).

Sampson made a motion, seconded by Nieken, to recommend to the City Council adoption of the Planning Commission Policy, as amended above.

The motion passed 4-0.

d. Ordinance Amendments required by recent changes to state law.

Oleson noted the two changes that are being recommended for adoption by staff to come into conformance with recent changes to state law.

The consensus of the Planning Commission was to schedule these changes for the required public hearing at the September 24, 2013 Planning Commission meeting.

e. Options/Ideas for Comprehensive Plan update process

Tabled for additional time to review.

f. Training Session – Overview of Zoning/Subdivision Ordinances and Basic Zoning Terminology

Tabled until the September meeting.

Sampson made a motion, seconded by Nieken, to adjourn the meeting. The meeting was adjourned at 7:37 p.m.

Respectfully submitted,  
Ben Oleson  
Hometown Planning