

**MINUTES  
CITY OF LONSDALE  
REGULAR PLANNING & ZONING COMMISSION MEETING  
AUGUST 21, 2008**

**MEMBERS PRESENT:**

Gary Skluzacek, Jim Freid, Dave Dols, John Duban, Joe Kodada, Harold Vosejpka, and Cindy Furrer

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

City Administrator Joel Erickson and City Planner Benjamin Baker

**1. CALL TO ORDER**

Chairperson Dols called the meeting to order at 6:32 pm in the Council Chambers at 415 Central Street West.

**2. AGENDA**

Chairperson Dols asked if anyone had any additions or deletions to the agenda. Dols stated that Agenda Items 5(b) and 7(b) would be tabled to the September 18, 2008 meeting.

A motion was made by Duban and seconded by Dols to approve the agenda with the noted changes. Vote for: Skluzacek, Freid, Dols, Kodada, and Duban; Against: None (Vote 5-0). Motion carried.

**3. APPROVAL OF MINUTES**

Consider Approval of the Minutes from the June 19, 2008 and July 17, 2008 Regular Meetings

A motion was made by Kodada and seconded by Duban to approve the minutes from June 19, 2008 and July 17, 2008. Vote for: Skluzacek, Freid, Dols, Kodada, and Duban; Against: None (Vote 5-0). Motion carried.

**4. PUBLIC COMMENT**

None

**5. PUBLIC HEARING**

- a. Request for Comprehensive Land Use Plan Amendment (From: "Commercial" and "Residential" To: "Commercial-Industrial"); Rezone (From: "R-1, Single Family

Detached Residential – Large Lots” To: “I-2, Medium Industrial & PUD, Planned United Development Overlay”) – PIDs: 1925400001, 1925400002, 1925475001 (Southwest of Hwy 19 & Garfield Avenue) – All Terra LLC

Dols read the public hearing notice. Baker read through the staff report. He stated that Chief Manager Thaddeus (Ted) Kowalski of All Terra LLC was the applicant. Baker identified the location of the subject property southwest of Hwy 19 and Garfield Avenue. He explained that the applicant was requesting an amendment to the comprehensive land use plan, and he said the applicant was also seeking to rezone the subject property. He passed around a 2025 Land Use Map and Official Zoning Map for the audience to review. Baker stated that the applicant was proposing a comprehensive land use plan amendment to guide the subject property toward “Commercial-Industrial”. He said the applicant was also seeking to rezone the subject property as “I-2, Medium Industrial” with a “PUD, Planned Unit Development Overlay Zone”. Baker stated that All Terra was requesting these official map changes in preparation for a proposed business-industrial park. He said that I-2 Zoning would establish a basis for future PUD negotiations. Baker stated that all the permitted, accessory, and conditional uses listed in the I-2 regulations would be allowed. He said that any additional commercial uses could be considered through PUD negotiations. Baker said that PUDs allow for greater flexibility in site design and uses, and he said that PUDs encourage development that is sensitive to environmental and economic considerations. He said that a PUD agreement, similar to the Market Place PUD Agreement, would be required by the City. Baker provided seven reasons for the Planning & Zoning Commission to consider a new business park located at Garfield Avenue and Hwy 19. Baker reminded the Commission and audience that any specific site layout questions or issues would be discussed at a future meeting after the property owner submits a concept plan or preliminary plat for review.

Dols invited the applicant, Ted Kowalski, to the podium to talk about his requests and the proposed project. Kowalski stated that the City initially approved a feasibility study to see if an industrial park was needed in Lonsdale. He said that after reviewing the completed study, he is ready to take the next step in the process. He said that he will be working out the details of a PUD agreement with the City over the next few months. Duban asked Kowalski if the site was 80 acres. Kowalski said the site was approximately 67 acres due to right-of-way easements. Vosejпка asked if a berm would be graded along the Willow Creek Heights neighborhood. Kowalski said that site details need to be worked out yet. Skluzacek asked if a new water tower would be part of the proposed project. Erickson said that the City Engineer has provided plans that show the Hwy 19 and Garfield Avenue area as a potential site for a water tower. Skluzacek asked what the costs would be for public financing. Erickson explained that like a street reconstruction project, exact costs wouldn't be known until the bids are opened. Skluzacek asked how the Met Con project north of Faribault would affect this project. Kowalski said that Lonsdale would try to attract businesses that won't go to a Lakeville or Faribault. Skluzacek asked what the property tax difference would be if the site was developed as

residential. Baker provided a tax capacity scenario to the Commission comparing a submitted On-Site Marketing residential site plan to a proposed business park concept plan. Baker's example showed that commercial-industrial uses would create higher annual revenue for the City compared to residential.

Jason Dandl, 1521 Connecticut Drive SE, asked what his view toward the east would look like. Baker stated that City would require screening along the Willow Creek Heights development. Baker explained the steps of the City approval process. Dandl asked if the City had conducted a study on the affect the project will have on home values. Erickson stated that he realized that people in Willow Creek Heights were building their dream homes, and he assured Dandl and the residents of Willow Creek that the City would be looking out for their interests. He said that the City would most likely require a donut type of development where less intense uses were placed on the perimeter and more intense uses on the inside. He said that the City is looking to defuse the impact of the project so that existing residents can continue to enjoy a high quality of life. Kowalski said that project construction will probably not start until next spring at the earliest. He also stated that the project will be completed in phases.

Robert Tuma, 7250 Farwell Avenue, presented his concern with the aesthetic view along Hwy 19. He said that although he doesn't reside in City Limits, that he would like to see buildings along the highway to look similar to the new clinic. He said that the City should be aware that pole sheds do not provide a welcoming and pleasing view. Tuma stated that the City should require that the southern pond and woodland area be provided as parkland. He also mentioned that a view shed should be preserved so that the pond and stand of woods can be seen from Hwy 19.

A motion was made by Duban and seconded by Freid to close the public hearing. Vote for: Skluzacek, Freid, Dols, Kodada, and Duban; Against: None (Vote 5-0). Motion carried.

- b. Request for Conditional Use Permit to Erect 2 Antennas and 2 Satellite Dishes – 126 Main Street South – Lonsdale Telephone Company  
(Tabled until the September 18, 2008 regular meeting)

## 6. OLD BUSINESS

- a. Discuss Adding "Exterior Storage" as a "Conditional Use" in the B-2, Highway and Business Service District

Baker stated that a public hearing was held on June 19, 2008 to discuss an amendment to the City Code: B-2 District to list "Exterior Storage" as a Conditional Use. He said the issue was discussed and tabled. Baker reminded the Commission why the amendment was proposed. He said that the proposed amendment would work to avoid future outside storage problems and create an attractive and welcoming view from Hwy 19. Baker said

that “Exterior Storage” is not listed as a permitted or accessory use in the B-2 District. He mentioned that City staff thought that “Exterior Storage” may have been left out of the adopted ordinance in error. Baker said that Conditional Use Permits (CUP) provide the City the opportunity to require conditions such as screening. He said that conditions placed upon a CUP can help mitigate the visual effects of unattractive outside storage. Baker read through the City’s current regulations related to the exterior storage issue including §153.067 Exterior Storage, §153.064 Screening, Ordinance 2007-208 Nonconforming Uses, and §91.06 Public Nuisances Causing Blight. He stated that existing businesses with unscreened outside storage in the B-2 District are considered nonconforming. He said that existing business could continue their outside uses as long as they did not expand their building. Baker said that requiring conditional use permits for outside storage is a proactive approach to providing an aesthetically pleasing view at the entrances to the City and along Hwy 19. Baker asked the Commission to provide guidance to City staff in whether or not to pursue this issue.

Dols agreed that the City should work to provide a nice view for people driving into town. Freid stated that business like Westerman Lumber keep their outside storage looking neat. Erickson said that according to the City Code, the lumber yard’s exterior storage would be considered “merchandise for sale”, and therefore be allowed without screening. Kodada mentioned that he appreciated how cities like St. Peter have kept outside storage looking neat. Kowalski suggested that the Commission be careful before adopting strict rules for outside storage. He said that cities like Burnsville have too many regulations that restrict business opportunities, and he suggested that Lonsdale not implement any new regulations related to outside storage. Baker said that an ordinance amendment would provide the City with another layer of protection against unsightly storage. Based on possible reaction from existing businesses within the B-2 District, the Commission decided to stick with the City’s current regulations as presented.

## 7. NEW BUSINESS

- a. Consider Approval of a Request for Comprehensive Land Use Plan Amendment (From: “Commercial” and “Residential” To: “Commercial-Industrial”); Rezone (From: “R-1, Single Family Detached Residential – Large Lots” To: “I-2, Medium Industrial & PUD, Planned United Development Overlay”) – PIDs: 1925400001, 1925400002, 1925475001 (Southwest of Hwy 19 & Garfield Avenue) – All Terra LLC

Baker stated that based on the benefits that a business park would bring to Lonsdale, City staff recommends approval of the land use plan amendment and the rezoning requests. Duban stated that he would like to see more commercial uses directly south of Hwy 19. Kowalski stated that he planned to have some mixed commercial and industrial uses, but specific uses would be defined in a PUD Agreement. Skluzacek asked about the maintenance of Garfield Avenue. Erickson said that although the northern section is within the City’s boundary, the Township has been maintaining the road. Erickson suggested making three motions.

A motion was made by Duban and seconded by Kodada to approve an amendment to the 2025 & 2040 Comprehensive Land Use Plan to guide the subject property as “Commercial-Industrial”. Vote for: Freid, Dols, Kodada, and Duban; Against: Skluzacek (Vote 4-1). Motion carried.

A motion was made by Duban and seconded by Kodada to approve an amendment to the Official Zoning Map, zoning the subject property as “I-2, Medium Industrial”. Vote for: Freid, Dols, Kodada, and Duban; Against: Skluzacek (Vote 4-1). Motion carried.

A motion was made by Duban and seconded by Kodada to approve an amendment to the Official Zoning Map, creating a “PUD Overlay Zone” on top of the subject property with the following conditions:

1. The Official Zoning Map shall not be amended to show a “PUD Overlay Zone” until a Development Plan (according to Chapter 154 of the City Code) is submitted and approved by the City Council.
2. A “PUD Agreement” shall be approved by the City Council.

Vote for: Freid, Dols, Kodada, and Duban; Against: Skluzacek (Vote 4-1). Motion carried.

- b. Consider Approval of a Request for Conditional Use Permit to Erect 2 Antennas and 2 Satellite Dishes – 126 Main Street South – Lonsdale Telephone Company  
(Tabled until the September 18, 2008 regular meeting)

- c. Consider Approval of a Request for Annexation – 8295 70<sup>th</sup> Street West – Michael Kroyer

Baker identified the location of the subject property and presented a staff report to the Commission. The Commission asked Michael Kroyer, petitioner, how much frontage he had along Fig Street. Kroyer stated that he owned approximately 100 feet of frontage. Erickson stated that a negotiated agreement for Kroyer’s portion of the Fig Street assessments had been satisfied.

A motion was made by Duban and seconded by Freid to recommend approval of Michael Kroyer’s annexation request for 8295 70<sup>th</sup> Street West. Vote for: Skluzacek, Freid, Dols, Kodada, and Duban; Against: None (Vote 5-0). Motion carried.

- d. Discuss the Validity of a 1956 Survey Submitted by American Legion Post # 586 For an Addition to the Principle Building

Baker stated that American Legion Post # 586 submitted a survey dated April 13, 1956 along with a building permit application for a 28’ x 30’ addition to the building. Baker

provided a copy of the submitted survey and applicable City Code regulations for the Commission to review. Baker stated that according to §153.027 Enforcement, applications for commercial building permits, including additions, should include a survey showing buildings, easements, and dimensions. Baker also referred to §153.066 Site Plans, stating the requirements for all commercial building construction including a certificate of survey drawn to scale not less than one inch equals 50 feet. Baker stated that Harold Vosejka of the American Legion believed that their submitted survey was good enough and that common sense should be used when requiring surveys. Baker stated that City staff requires updated surveys for almost all outside projects excluding projects like reroofing and residing. He said that the City tries to treat all applicants equally by requiring a survey of everyone regardless if a physical or economic hardship can be proven. Baker asked the Commission for guidance on whether or not to accept the Legion's submitted survey from 1956.

Skruzacek stated that updated surveys have been required since 1996, and he said that Vosejka was probably Mayor at that time. Vosejka said that the required survey rule must have slipped through the cracks, and he said that common sense should determine when a survey is needed, especially since the proposed addition would be toward the middle of the Legion's property. Skruzacek said that he recently had to get a survey for a variance and he has 7 acres of land. Vosejka said that in the past, the American Legion gave the City an easement for no cost because there wasn't enough room along one side of the road. Furrer stated that an updated survey is required as part of the current rules. Vosejka said that requiring a survey for every project is a bad situation. He said that he understands the rule requiring a survey for new lots but not for a situation like the Legion's. Dols stated that if the City doesn't follow its own rules and doesn't require an updated survey for the Legion, then applicants from the past may want the City to reimburse them for the cost of their survey. Dols recommended not excepting the survey as submitted. Freid stated that he agreed with the Legion's argument, but he said the City needs to follow its rules and require an updated survey.

A motion was made by Dols and seconded by Freid to recommend that the City require an updated survey and therefore not accepting the 1956 survey submitted by American Legion Post # 586. Vote for: Freid and Dols; Against: Duban; Abstained: Skruzacek and Kodada (Vote 2-1). Motion carried.

## 8. MISCELLANEOUS

Skruzacek stated that he noticed during Community Days that pieces of siding are still falling off of the South 40 building, creating an unsafe condition. Erickson said the City can follow the order of abatement process to resolve the situation.

## 9. ADJOURNMENT

A motion was made by Kodada and seconded by Duban to adjourn the meeting. Vote for: Skluzacek, Freid, Dols, Kodada, and Duban; Against: None (Vote 5-0). The meeting ended at 8:15 pm.

Respectfully Submitted:

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Benjamin Baker, City Planner