

**MINUTES  
CITY OF LONSDALE  
REGULAR PLANNING & ZONING COMMISSION MEETING  
JULY 17, 2008**

**MEMBERS PRESENT:**

Dave Dols, John Duban, Joe Kodada, Harold Vosejka and Cindy Furrer

**MEMBERS ABSENT:**

Gary Skluzacek and Jim Freid

**STAFF PRESENT:**

City Administrator Joel Erickson and City Planner Benjamin Baker

**1. CALL TO ORDER**

Chairperson Dols called the meeting to order at 6:30 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 mentioned that Agenda Item 6(b), update on an ordinance amendment listing “Exterior Storage” as a Conditional Use in the B-2 District, will be tabled until a future meeting.

A motion was made by Duban and seconded by Kodada to approve the agenda with the noted change. Vote for: Vosejka, Dols, Duban, and Kodada; Against: None (Vote 4-0). Motion carried.

**3. APPROVAL OF MINUTES**

None

**4. PUBLIC COMMENT**

None

**5. PUBLIC HEARING**

a. Request by Chris Michael for a Conditional Use Permit to allow “Automobile Repair-Major” at 114 Florida Street SE

Dols reminded the Commission and audience that a public hearing for a Conditional Use Permit request by Chris Michael is being continued from the previous meeting. Baker stated that the public hearing was continued because Michael was researching the possibility of purchasing the property directly to the east of 114 Florida Street. Baker said that Michael also submitted scaled elevation drawings and an aerial view of the

building layout. Baker said that the proposed building would have metal siding/roofing with forest green and taupe colors, and it would fit in with the current neighborhood character. Dols asked Michael about buying the property next door. Michael said the property owner wasn't willing to sell. The Commission asked how many vehicles would be parked outside. Michael said that no more than 6 to 8 cars. Duban was concerned about oil dripping from parked cars, and he asked if the building's surface would be gravel or hard. Michael said that a hard surface still remains from the previous building. Dols asked if anyone else wanted to comment on the issue.

A motion was made by Vosejпка and seconded by Duban to close the public hearing. Vote for: Vosejпка, Dols, Duban, and Kodada; Against: None (Vote 4-0). Motion carried.

## 6. OLD BUSINESS

### a. Consider approval of a request by Chris Michael for a Conditional Use Permit to allow "Automobile Repair-Major" at 114 Florida Street SE

Baker stated that staff recommends approval of a Conditional Use Permit for "Automobile Repair – Major" at 114 Florida Street SE with the following conditions:

1. The drainage and utility easement located on the easterly 20 ft. shall be vacated.
2. A building permit for a new principle structure shall be applied for by September 3, 2008 (6 months from the date of fire destruction).
3. Fire damaged objects on the property shall be completely cleaned up and removed from the property no later than two (2) weeks past official approval and publication of the CUP.
4. Tall grass and/or weeds on the property shall be maintained so as not to exceed a height of 8".
5. The building shall be designed to be compatible with the surrounding buildings.
6. The new principle building shall not exceed 34' x 56' (1,904 sq. ft.).
7. The following minimum setbacks shall apply:
  - a. Front Yard 35'
  - b. (L) Side Yard (west) 18'
  - c. (R) Side Yard (east) 13.46'
  - d. Rear Yard 9'
8. All outside storage shall be screened from view by dense vegetation or 90 percent opaque screening. All waste containers shall be screened and kept from view by 90 percent opaque screening and kept in good repair. Chain link fencing with plastic inserts is prohibited.
9. Regulations stated in the City Code such as noise, odor, glare, exterior lighting, and safety hazards shall be followed.
10. Vehicles parked outside shall be parked in an orderly fashion.

A motion was made by Kodada and seconded by Duban to recommend approval of a Conditional Use Permit to allow "Automobile Repair-Major" at 114 Florida Street SE

with the conditions stated by City staff. Vote for: Vosejпка, Dols, Duban, and Kodada; Against: None (Vote 4-0). Motion carried.

b. Update regarding an ordinance listing “Exterior Storage” as a Conditional Use in the B-2 District

(This issue was tabled to a future meeting)

c. Discuss noncompliance of conditions approved in V2-2007, Variance for 115 Alabama Street SE

Baker stated that the Board of Adjustments and Appeals approved V2-2007 on August 9, 2007 with the condition that the Accessory Building (Garage) shall be modified to a design which conforms with neighborhood architecture. Baker also read the minutes from the August 9, 2007 meeting which stated the following: “Dols asked the applicant if the garage would have the same siding as the house. Brad Schipper replied yes, and he said the roof shingles will also be changed”. Baker said that staff took pictures of the garage on May 28, 2008 showing that neither the siding nor shingles matched the principle structure (house). He asked the Commission to provide interpretation and guidance to staff in regards to the conditions placed on V2-2007. Brad Schipper, 115, Alabama Street SE, was present at the meeting. The Commission asked Schipper why he hasn’t complied with the condition of the Variance yet. Schipper stated that he ran out of money, and he is gone all the time. He said that he has leftover siding that he can use to finish the front of the garage. He asked if he could leave the existing shingles up. Kodada stated that the Planning Commission would look bad if they didn’t enforce the conditions that they previously approved. He said by letting this condition slide, problems could arise in the future. Duban asked Schipper how long it would take to complete the unfinished project. Schipper said he could complete the front siding and roof within one month to a month and a half. The Commission discussed a 6 month time extension for the entire project, and they asked staff if an extension would be appropriate. Erickson stated that 18 months is more than adequate time to finish the project. Duban stated that the economy is currently not the best therefore a time extension should be granted on the basis of an economic hardship. Dols asked Schipper if his home was for sale. Schipper stated yes. Schipper said that before he sells the property he will finish the garage.

A motion was made by Duban and seconded by Kodada to recommend approval of a one (1) month time extension for the front siding and roof shingles and a six (6) month time extension for the remaining siding (sides and rear) for V2-2007, Variance for 115 Alabama Street SE. Vote for: Vosejпка, Dols, Duban, and Kodada; Against: None (Vote 4-0). Motion carried.

d. Discuss Community Days movie screen issue located at 104 Railway Street

Baker stated that on July 11, 2008, City staff talked with Bonnie Simon, Community Days Entertainment Coordinator, regarding aesthetic concerns raised by the Planning Commission towards the outdoor movie screen at 104 Railway Street NW. He said Simon agreed to take the sign down after this year's Community Days. Kodada mentioned that the sign was originally erected without a permit. Dols stated that the Planning Commission invited Simon to previous meetings to discuss the screen issue, but Simon never showed up. He said the Planning Commission has been willing to work with the Community Days Committee, but now the screen needs to come down a week after this year's Community Days' events.

A motion was made by Duban and seconded by Kodada to recommend that the Community Days outdoor movie screen located at 104 Railway Street NW be taken down no later than August 19, 2008 (one week after the 2008 Community Days). Vote for: Vosejpka, Dols, Duban, and Kodada; Against: None (Vote 4-0). Motion carried.

## 7. NEW BUSINESS

- a. Variance request (V1-2008) by John and Rita Weaver, 502 Main Street South, to construct an attached garage eight (8) feet away from the northern property line  
Baker read through the staff report. He stated that the applicants, John and Rita Weaver, were requesting a variance from the required 10 ft. side yard setback. He said the applicants were proposing to take down the existing detached garage and construct a new attached garage 8 ft. from the northern property line. Baker said the proposed garage would line up with the existing house, which is also 8 ft. from the northern property line. He said the proposed garage is shown at 30' x 24' (720 sq. ft.) with a peak height of 13.5 ft. Baker said the garage will be designed to match the colors and design of the house. Baker noted that Commission was not approving a parcel split, as shown on the submitted survey. Dols asked if the proposed project would require any trees to be taken down. John Weaver stated that one rotten apple tree will be taken down regardless of the project. Duban stated that the new garage would line up with the existing home. Kodada said that the request is a good use of a variance.

A motion was made by Duban and seconded by Kodada to recommend approval of V1-2008, a variance request to locate an attached garage at 502 Main Street South 8 feet from the northern property line with the following conditions:

- The new garage shall have matching exterior siding and shingles (similar colors and materials)
- The new driveway shall be hard surfaced with a non-aggregate impervious surface such as concrete, asphalt, or pavers.

Vote for: Vosejpka, Dols, Duban, and Kodada; Against: None (Vote 4-0). Motion carried.

- b. Consider a Vacation Petition from Chris Michael for the easement located on the easterly 20 feet of 114 Florida Street SE

Baker stated that Chris Michael has petitioned for the vacation of a 20 ft. drainage and utility easement located at 114 Florida Street SE. Baker said that all the applicable utility companies had been notified of the request and each company stated that no utilities were present within the easement.

A motion was made by Dols and seconded by Duban to recommend vacating the easement running along the easterly 20 ft. at 114 Florida Street SE. Vote for: Vosejпка, Dols, Duban, and Kodada; Against: None (Vote 4-0). Motion carried.

- c. Consider approval of Resolution 2008-27, a resolution approving a development program for Development District No. 1 and Tax Increment Financing (TIF) Plan for TIF Housing District No. 1-1

Administrator Erickson presented a draft Tax Increment Financing (TIF) Development and TIF Plan for the Commission to review. Erickson read through the majority of the “Three Links” - Municipal Development District No. 1 and Tax Increment Financing District No. 1-1 (Housing) document prepared by Northland Securities and highlighted the key points. He read through the “Statement of Need and Public Purpose” and “Statutory Authorization”. He summarized the “Statement of Objectives” and clarified that the boundaries of the development district are essentially the same as the City limits boundary. He read through the nine development activities the City may be involved not including point 4 or 6. He also stated that Section 3.07 and 3.09 do not apply. Erickson stated that Section 4.09 (2) is the supporting reasons to the “but for... test” (but for the use of TIF, the project could not occur). After summarizing Section 4.13 and 4.14, Erickson provided an example of tax increment, and he reminded the Commission that the project will not be costing the City any money. Erickson summarized the remainder of the document and asked if anyone had any questions.

Furrer asked what would happen if Winkelman Building Corporation sold to a non-profit company like Three Links in the future. Erickson stated that the TIF/Developers Agreement will need to address such a scenario. Duban asked about park dedication. Erickson said that amenities like a public library, public meeting rooms, and trails are a trade off to parkland/payment in-lieu-of parkland. He said that will also be addressed in the Developers Agreement. The Commission discussed their concern with the long timeframe of the TIF. Vosejпка asked how much the library and meeting rooms would cost for the City per year. Erickson stated that the first couple of years will be different, but he estimated approximately \$75,000 – \$100,000 per year. Erickson explained that \$33,000 in tax money and tower rents could go towards the library’s yearly budget.

A motion was made by Duban and seconded by Kodada to recommend approval Resolution 2008-27, a resolution approving a development program for Development District No. 1 and Tax Increment Financing (TIF) Plan for the TIF Housing District No. 1-1. Vote for: Vosejka, Dols, Duban, and Kodada; Against: None (Vote 4-0). Motion carried.

Erickson stated that the City Council recently created a new advisory board that will help with the new library and established a library fund. Erickson said that he has also been working with the Northfield Library.

#### 8. MISCELLANEOUS

Baker asked the Commission if the front yard setback requirement for corner lots with side yard street frontage was a City policy or ordinance. The Commission was not certain. Baker said he would research the issue.

Harold Vosjpk asked why a certificate of survey would be needed for a proposed addition to the American Legion if it was going to be located in the middle of the property. Erickson said that surveys have always been required for additions. Baker stated that surveys provide accurate information regarding easements, property lines, and setbacks. Baker said that it may not make sense in some instances to require a survey, but he said a survey assures staff and the building inspector of the exact location of property lines and buildings. Baker stated that only elected officials could waive the requirement of a required survey.

#### 9. ADJOURNMENT

A motion was made by Duban and seconded by Kodada to adjourn the meeting. Vote for: Vosejka, Dols, Duban and Kodada; Against: None (Vote 4-0). Motion carried. The meeting ended at 8:12 pm.

Respectfully Submitted:

---

Benjamin Baker, City Planner