

**MINUTES  
CITY OF LONSDALE  
REGULAR PLANNING & ZONING COMMISSION MEETING  
MAY 15, 2008**

**MEMBERS PRESENT:**

Gary Skluzacek, Jim Freid, Dave Dols, John Duban, Joe Kodada, Harold Vosejпка 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 6:30 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.

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

**3. APPROVAL OF MINUTES FROM THE APRIL 17, 2008 REGULAR MEETING**

Duban stated that discussion of second floor residential should be added to the minutes under New Business Item (b). A motion was made by Duban and seconded by Skluzacek to approve the minutes of the April 17, 2008 meeting with the noted change. Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0). Motion carried.

**4. PUBLIC COMMENT**

None

**5. PUBLIC HEARING**

**a. Ordinance 2008-221, Overlay Ordinance for MN Hwy 19**

Dols read through the public hearing notice and purpose behind the proposed overlay ordinance. Baker read a letter from City Engineer Kevin Kawlewski, since he was not able to attend the meeting. Kawlewski's letter reminded the Commission that adoption of the proposed ordinance would put the City in the position of the enforcing agency and it

would not necessarily create an added benefit for the City. Dols invited Chris Moates, MnDOT District 6 Planning Director to the podium to summarize the overlay ordinance and answer questions. Moates presented the Commission with a handout overview of the proposed ordinance. He also showed the Commission Members a map of the recently City Council approved Access Management Safety Plan. The plan showed different intersection classifications, proposed intersection realignments, and road classifications. He explained the difference between urban/urbanizing and urban core road segments. Moates said the overlay ordinance, if adopted, gives teeth to the approved Access Management Plan. He said the Access Management Plan has no legal standing, except for that it can be referred to. Moates went through the section on non-conforming accesses, and he explained what triggers the enforcement of new regulations. He presented an non-conformity example of a driveway consolidation at a McDonald's along US 63 in Rochester. Moates said that future redevelopment projects within the downtown area may present good opportunities to require access management standards. Dols asked if this was something the City would enforce or MnDOT. Moates said the City would be the enforcing agent. Duban asked Moates about the length of the Hwy 19 study area and about the urban core classification system. Duban also suggested a slower speed limit further northwest of the current signs along Hwy 19. Moates said that MnDOT is currently working with Rice County to adopt a similar overlay ordinance for the rural sections of the study area. Moates continued his brief overview providing further information regarding the access plan approval process, established districts and highway segments, along with district standards and public street connections. Moates closed his presentation by providing a few access management examples including a retrofit/change of use to a 62 unit motel (along US 61 in Red Wing) and a greenfield development example (along US 61 in Red Wing). He mentioned in each case example that MnDOT worked with the City to provide appropriate accesses. Moates said Lonsdale has the opportunity to become the first city within District 6 to approve an overlay ordinance based on an access management study. Dols asked if anyone else had any questions or comments.

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

Dols asked if Arizona Street would be forced to be realigned. Moates said that nothing would be forced if the intersection is still functioning good and has a low crash history. Dols asked what the benefit to the City of Lonsdale would be if the ordinance was adopted. Moates said that the overlay ordinance gives teeth to the plan that was previously approved by the City Council. He mentioned that the ordinance gets into a lot more detail compared to the plan. He said the ordinance really arms the enforcing agency. Dols asked how the current process works. Erickson explained that plans are sent to MnDOT, then MnDOT reviews the plans and sends comments back to the City,

and then the City relays MnDOT's comments and recommendations to the developer or applicant. He said plans will still be reviewed by MnDOT, but the City would be the ones to enforce the accesses. Vosejka said that just adds more red tape, and he asked Moates if a trail could be placed in MnDOT's right-of-way. Duban asked Moates how people are supposed to safely cross Hwy 19 from County Road 4 to the Post Office without a marked crosswalk. Moates stated that he was from the District 6 Planning office and suggested that those types of questions be directed to the Traffic Engineer's office. Fritz Duban commented about the proposed sidewalk project, emergency work within the right-of-way, and red tape for trail and crossing projects. Moates said regular permits or limited use permits are needed for work within the state's right-of-way. Dols asked Moates about any perks from MnDOT to help pass the proposed ordinance. Moates said he doesn't want to confuse the 2010 mill and overlay project with the proposed overlay ordinance. Moates stated that a similar ordinance was adopted by the City of Hutchinson. Furrer asked if the City does adopt the proposed ordinance, are access options being given up that may be needed in the future for development projects like the proposed business park. Moates stated that full access will be provided at Garfield Avenue, but a traffic impact study will be needed to determine exact traffic counts and circulation. Dols asked how City staff's work load would be affected. He asked City staff if they saw the new ordinance as a benefit to the City. Erickson said no. Moates stated that there is no pressure from MnDOT for Lonsdale to adopt the ordinance. Moates suggested that if the ordinance is too much to handle for City staff, it could simply be rescinded. Dols asked if the Commission had anymore comments. Moates said he looked forward to working with staff regarding this issue in the future.

b. Ordinance 2008-222, B-3 (Central Business District)

Dols read the public hearing notice and opened the public hearing. Baker provided additional information and background regarding the B-3 District ordinance amendment. Baker said that residential uses are not currently permitted within the B-3 District. He said that in early 2007, the Planning & Zoning Commission discussed amending the entire B-3, Central Business District section of the Code. He said the Commission discussed allowing residential uses with an approved conditional use permit. Baker explained that public hearing notices were sent out to each property owner within the B-3 District. Baker said that staff had not received any written comments but several verbal comments were relayed. He said based on the comments received, there seemed to be three main issues/concerns including residential uses (occupancy limit, on-premise parking, rear entrance), downtown parking (limited amount, defined parking spaces, municipal lot), and outside storage and displays on public sidewalks. Baker presented the current B-3 District regulations and the new language (Ordinance 2008-222) reviewed by the City Attorney.

Baker read through Ordinance 2008-222 in its entirety including purpose, definitions, permitted uses, accessory uses, conditional uses, minimum lot requirements and setbacks,

and other standards (building design and construction materials, landscaping, parking requirements). Baker stated that both exterior uses and temporary outdoor sales and display of merchandise are listed as permitted accessory uses. He also said that residential uses are listed as a conditional use permit with the following requirements that need to be met:

1. Residential uses shall be secondary to ground floor permitted commercial uses.
2. Ground floor residential uses shall not be permitted.
3. The designated residential space of the building shall meet the requirements stated in the adopted building code, state electrical code, and state fire code as amended from time to time.
4. Minimum occupancy area: one (1) resident per two-hundred fifty (250) square feet.
5. Maximum density: six (6) residents per lot/parcel.
6. Minimum dwelling unit area: six hundred (600) square feet per dwelling unit.
7. At least two (2) on-premise or adjacent (off-street) parking stalls shall be provided per dwelling unit. Parking areas shall be directly accessed through public alleys. Parking areas shall be hard surfaced and clearly marked.
8. A rear yard entrance and security lighting shall be provided.
9. An on-premise enclosed garbage/dumpster area shall be provided.

Duban said that landlords should be responsible for controlling occupancy in apartments. Kathleen Hanson, (Real Estate Agent for 115 Main Street South) 1108 Highland, Northfield, asked if the proposed ordinance will have an impact on the old South Forty building and its lower level residential space. Erickson said the existing use would become a legal non-conformity. She asked about the building's exterior finish. Erickson said that its existing. Hanson asked about the potential for outdoor seating. Erickson said that a liquor license would be needed if alcohol would be served. Hanson said outdoor seating areas, like in downtown Northfield, would attract more people to downtown Lonsdale. She asked if the building could become a Bed & Breakfast. The Commission said that Hotels are listed as a conditional use permit and that appropriate off-street parking would be required. Dols asked what the upstairs would be marketed as. Hanson said she would like to keep it as a ballroom. Dols asked if anyone had anymore comments.

Dean Duban, owner of Lonsdale Hardware - 101 Main Street North, stated that temporary outside displays and storage is very important, and it has a big impact on his business. He said that he actually lost business when he moved the displays to the north side of his business in the past. He said that there is more than 3 feet of sidewalk for wheelchairs to get by. Duban said there hasn't been any complaints or issues in the past. Dol's gave the last call for comments.

A motion was made by Duban and seconded by Freid to close the public hearing. Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0). Motion carried. The hearing closed at 8:05 pm.

## 6. OLD BUSINESS

None

## 7. NEW BUSINESS

### a. Discuss Approval of Ordinance 2008-221, Overlay Ordinance for MN Hwy 19

Skruzacek said that he didn't see any benefits for the City to adopt the overlay ordinance. He asked why the City would want to be involved and use up more staff time. Vosejka reminded the Commission that it would be more red tape if the City adopts the ordinance. Fritz Duban mentioned that there would be no benefit in passing the ordinance. He reminded the Commission of the struggle the City had with MnDOT to get a traffic signal downtown. Erickson said that everyone can agree that safety and access management are good issues to pursue, however the City would have no choice but to comply with MnDOT regulations if the ordinance was approved. Dols recommended that City staff check with the City of Hutchinson to see how the ordinance is working for them.

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

### b. Discuss Approval of Ordinance 2008-222, B-3 District (Central Business District)

Joe Kodada asked if the residential units would be inspected by the Building Inspector and Fire Chief. Baker said that conditions stipulated on a Conditional Use Permit should require future inspections, however currently the City does not have a rental ordinance or inspect rental units. Erickson explained that the City has inspected rental properties on a complaint basis in the past. Dols suggested adding language requiring an agreement for off-street parking on neighboring properties. Furrer recommended discussing residential occupancy in greater depth. The Commissioners discussed whether or not it would be a good idea to place a time limit on residential uses occupying a building without a functioning commercial use. Kodada said that main level shouldn't remain empty, so he suggested a one year window of opportunity for building owners to obtain a commercial tenant. Furrer stated that a lot can deteriorate in a year's time, and she suggested 6 months. The Commission agreed that 6 months would give the owners enough time to attract a downstairs business. The Commission agreed that residential occupants would be allowed in second floor apartments for up to 6 months to create crucial cash flow for building owners. Dols asked if the Commissioners had anything else to add. Baker recommended approval of Ordinance 2008-222, B-3 Central Business District.

A motion was made by Kodada and seconded by Duban to recommend approval of Ordinance 2008-222, B-3 Central Business District with the following changes:

- CUP (d)(1) – the word “commercial” shall be deleted
- CUP (d)(2) – a 6 month time limit shall be given to all residential uses occupying the same building as a vacant ground floor commercial use
- CUP (d)(7) – language shall be added to require an agreement for adjacent parking on neighboring properties

Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0).  
Motion carried.

c. Discuss B-2, Highway and Business Service, Outside Storage Regulations

In response to comments from citizens regarding unappealing outside storage within the B-2 District, Baker suggested that the Planning Commission review and address lacking regulations for outside storage. He said many cities enforce some type of screening around outside storage areas by means of berming, opaque fencing, solid walls, or natural plantings. Baker presented the Commission with the definition of Exterior Storage listed in the Zoning Ordinance. He said that Exterior Storage is not listed as a permitted, accessory, or conditional use in the current B-2 language. Baker recommended amending the Code to specify exterior storage as either an accessory or conditional use. He presented the Commission with an updated zoning map and two examples of B-2 properties with outside storage issues. The Commission agreed that outside storage should be listed as a conditional use permit in the future.

A motion was made by Duban and seconded by Kodada to set a public hearing date for June 19, 2008 to discuss outside storage in the B-2 District. Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0). Motion carried.

8. OTHER BUSINESS

9. ADJOURNMENT

A motion was made by Duban and seconded by Kodada to adjourn the meeting. Vote for: Skluzacek, Freid, Dols, Duban and Kodada; Against: None (Vote 5-0). Motion carried. The meeting ended at 8:54 pm.

Respectfully Submitted:

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Benjamin Baker, City Planner