

MINUTES
CITY OF LONSDALE
REGULAR PLANNING & ZONING COMMISSION MEETING
JANUARY 21, 2010

MEMBERS PRESENT:

Scott Pelava, Joe Kodada, Jim Freid, Dave Dols, John Duban, Ben Sticha, and Harold Vosejпка

MEMBERS ABSENT:

None

STAFF PRESENT:

City Planner Benjamin Baker and Building Inspector Jim Filipeck

1. CALL TO ORDER

Dols called the meeting to order at 6:30 pm in the Council Chambers at 415 Central Street West. Dols welcomed Scott Pelava and Ben Sticha to the Commission.

2. AGENDA

Dols asked if anyone had any additions or deletions to the agenda.

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

3. APPROVAL OF MINUTES

A motion was made by Kodada and seconded by Duban to approve the minutes from the December 17, 2009 regular meeting. Vote for: Kodada, Freid, Dols, Sticha, and Duban; Against: None. Vote: 5-0. Motion carried.

4. PUBLIC COMMENT

None

5. PUBLIC HEARING

- a. Review a Proposed Zoning Ordinance Amendment to Create a More Appropriate Zoning District for the Industrial Lots Along Delaware Street SE and Florida Street SE Classified as OI, Original Industrial. Review a Proposed Official Zoning Map Amendment, Adding OI, Original Industrial District, as a New District Classification and Rezoning the Industrial Lots Along Delaware Street SE and Florida Street SE from I-1, Light Industrial, and I-2, Medium Industrial, to OI, Original Industrial.

Dols read the notice and opened the public hearing. Baker provided the Commission with a detailed staff report including the following attachments: general location map

and aerial photo, current zoning map, proposed zoning map, existing building sizes map, existing uses map, existing lot area maps, existing lot frontage maps, existing lot depth maps, existing setbacks map, proposed ordinance language, and industrial districts comparison tables. Baker stated that over the past few months, the Planning & Zoning Commission had discussed, initiated, and created a proposed new industrial district for the Original Industrial Park Area, located along Delaware Street SE and Florida Street SE. He stated that the purpose of the new industrial zoning district is to provide a more appropriate zoning classification and regulations that would allow both existing and new buildings to be more compatible and conforming. He mentioned that a more suitable zoning classification may allow land owners to refinance or sell their land easier and/or legally expand their buildings without a variance. Baker stated that the Planning Commissioners reviewed draft language at their December 2009 meeting, and scheduled a public hearing for January 21, 2010. Baker also provided an aerial photo showing the differences between the two industrial parks in Lonsdale, and he explained that the I-1 and I-2 District standards are more appropriate for the industrial area along Industrial Drive. He also went through each attachment, and he asked the Commission to review the proposed ordinance amendments and consider approval later on in the agenda.

Dols asked if anyone from the floor had comments to relay regarding the proposed zoning ordinance amendments. Cindy Furrer, 120 Florida Street SE, stated that she was not opposed to the proposed amendments but to the timing of approval. She mentioned that she recently went through an \$800 variance process in order to construct a storage building, and she stated that she felt used. She expressed frustration that her building, only recently approved by a variance, would now be permitted according to the proposed ordinance amendment. She said that her variance request initiated the Planning Commission's decision to look into an ordinance amendment to the City Code and Official Zoning Map. She mentioned that she would feel better if the amendment was not approved for a few months, because her project just started.

Dols thanked Furrer for her comments. Dols reminded Furrer that she was informed before she applied for a variance that the Planning Commission may pursue an ordinance amendment in the near future. He said that it is unfortunate for her that her variance request did bring attention to issues in the Original Industrial Park area. Dols said that the Planning Commission was handed down a problem that was not recognized until recently. Dols stated that Furrer was aware that it could take the Planning Commission up to a year to approve an ordinance amendment or they may have chosen not to take action at all. He said that past ordinance amendments have taken 6 – 12 months for the Planning Commission to approve. Duban stated that Furrer did not want to wait for a potential ordinance amendment to take place. He said that she wanted to start the project as-soon-as possible. Duban said that the proposed ordinance amendment is a good thing and it needs to be approved. Kodada stated that the Planning Commission could have denied Furrer's request for a variance. Dols asked if anyone else wanted to comment on

the proposed ordinance amendment. No more comments were relayed. Dols asked if any written or verbal comments were received. Baker stated that Eugene Thompson, James Hjemvick, Tim Carlson, Adeline Riha, and Greg Pint all asked about the public hearing, and he explained the proposed ordinance amendment to them. He mentioned that after becoming informed, all the interested property owners stated that they were in favor of the ordinance amendment. Baker said that Thompson also provided two verbal comments, and his comments were incorporated into the proposed amendment.

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

6. GENERAL BUSINESS

a. 2009 Annual Community Development Report

Baker presented the Planning Commission with the 2009 end-of-year building permit and lot inventory report. He went through the new home and other residential permits for the last 10 years, noting that new homes jumped up to 31 up from 8 in 2008. He said that total permits also went up from 2008. Baker mentioned that Lonsdale had more new home permits than Montgomery, Faribault, Northfield, and Elko-New Market combined. He said that Mattamy Homes accounted for 25 of the 31 new home permits. Baker showed a 2009 Housing Development Map that also detailed undeveloped lots owned by Mattamy Homes, 8 lots in Eagle Creek and 18 lots in Shadow Stone. Freid asked if Mattamy's homes are selling. Building Inspector Filipek said that Mattamy has been working on 2 -5 homes at a time, and some of the homes are pre-solds. He mentioned that Mattamy has found a price point and product that is selling right now. Filipek also talked about the unfinished homes in Rolling Ridge, Legacy Meadows, and Willow Creek Heights. He said that owners of the remaining unfinished homes are planning to finish them over the next two years. Dols asked about cracking foundation walls in homes that have been sitting through a few winters. Filipek mentioned that he requires an engineer to sign off on questionable foundations before he will issue a certificate-of-occupancy.

Baker also went through a lot inventory table and map. The table showed the percentages of completed development phases and entire subdivisions. He noted that Lonsdale has built 779 homes since the approval of Heritage Estates in 1999, and the City currently has 393 vacant lots available.

b. 2010 Planning & Zoning Commission Officer Elections

Baker provided the Planning Commission with a list of the current Planning Commission roster, positions, and terms. He stated that the Planning Commission needs to elect a Chairperson, Vice Chairperson from the appointed members at its first meeting each year.

A motion was made by Freid and seconded by Duban to nominate and approve David Dols as Chairperson and Joe Kodada as Vice Chairperson. Vote for: Kodada, Freid, Dols, Sticha, and Duban; Against: None. Vote: 5-0. Motion carried.

c. Consider a Rezone Request for Willow Creek Heights – Jim Hjemvick

Baker stated that Jim Hjemvick, 447 Singing Hills Drive SE, recently requested to be on the Planning Commission agenda to discuss zoning in Willow Creek Heights. Baker provided the Commission with a packet of information pertaining to zoning at and around 302/308 15th Avenue SE, currently owned by Metro Classic Homes. The informational packet included a comparison of R-2 and R-2A zoning district requirements, an aerial photo of the area, a current zoning map, and a plat map.

Mr. Hjemvick spoke to the Planning Commission from the podium, and he said that he wanted to address two zoning related concerns: 1) public notification of land use changes and 2) rezoning the remaining R-2A lots surrounding 302/308 15th Avenue SE. He said that the City should look at new ideas to notify more people than required by State Statute, 350 ft. from the subject property. He suggested looking into a City owned land use warning sign similar to signs erected by other cities in the metropolitan area. He said that he is very dissatisfied with the appearance of the Metro Classic twin home at 302/308 15th Avenue SE that was built in 2007 in the middle of a detached home development (Willow Creek Heights). He mentioned that ideally twin homes and other high density townhomes should be strategically placed as transition and buffer areas between single-family detached homes and more intense land uses.

Dols thanked Mr. Hjemvick for him bringing up his concerns, and Pelava stated that Hjemvick brought up very good points. Duban provided the Commission with original land use plans of Willow Creek Heights. Kodada asked if stubs were already installed to each platted lot. Baker stated that he could further research the subject properties and provide more information at the next meeting.

No action was taken.

d. Consider Approval of an Ordinance Amendment to Create an OI, Original Industrial District, and Rezone the Industrial Lots Along Delaware Street SE and Florida Street SE from I-1, Light Industrial and I-2, Medium Industrial, to OI, Original Industrial.

Baker stated the City staff recommends approval of the proposed new industrial district and rezoning of the Original Industrial area to OI, Original Industrial. Dols stated that Dale & Cindy Furrer were aware that the Planning Commission may approve an ordinance amendment to the Original Industrial Park when they applied for a variance at their property at 120 Florida Street SE.

A motion was made by Duban and seconded by Kodada to recommend approval of an ordinance amendment creating an OI, Original Industrial District and rezoning the industrial lots along Delaware Street SE and Florida Street SE from I-1, Light Industrial and I-2, Medium Industrial, to OI, Original Industrial. Vote for: Kodada, Freid, Dols, Sticha, and Duban; Against: None. Vote: 5-0. Motion carried.

e. Review Sample Self-Perpetuating Building Code Ordinance

Baker said that every year or two, Lonsdale's State Building Code Representative, Jack Herrley, meets with City staff to review Building Code fees and ordinances. He

mentioned that Building Inspector Jim Filipek and himself did meet with Mr. Herrley in 2009, and Herrley recommended a few changes and updates. Filipek went through Herrley's suggestions which including adopting a self-perpetuating building code, separating building permits from zoning permits, adopting a valuation worksheet, and incorporating more specific rules for pools into the zoning ordinance. The Commission was provided with a copy of a proposed new self-perpetuating building code and a copy of the current building regulations ordinance language. Filipek explained that the State comes out with a new building code every 3 - 4 years. He also explained the process involved with adopting a new code, and he mentioned that it took five years to get a new plumbing code. Filipek explained the process on paid permits that get canceled. He also explained building permit requirements for windows, reroofs, and gas appliances. Dols asked about the potential residential sprinkler requirement. Filipek said that Minnesota may adopt residential sprinkler regulations within the next few years. The Commission was presented a valuation worksheet, and Filipek explained how building permit values are determined. Vosejka asked if the worksheet values have changed over the last two years to reflect the downturn in home values. Filipek mentioned that the valuations are based on a state-wide average, and he said that the State's valuations have always favored a lower value/price. He said that the actual cost of the new homes currently being constructed in Eagle Creek and Shadow Stone are right-on in comparison to the State's valuation.

The Commission decided to hold a public hearing on the proposed self-perpetuating building code in March or April, once Filipek returns from vacation.

f. Review Proposed Floodplain Ordinance & Map

Baker stated that cities and townships within Rice County are currently being provided with updated FIRM, Flood Insurance Rate Map, maps. He mentioned that City staff has been in contact with DNR Floodplain Coordinator Ceil Strauss and DNR Area Hydrologist Randy Bradt throughout the process. He said that even though Lonsdale is not shown in a flood prone area, the DNR has suggested that Lonsdale adopt the presented floodplain ordinance and updated map. The Commission was provided FEMA's Community Status Book Report, the current floodplain management ordinance, draft floodplain ordinance, and the new preliminary FIRM (Map # 27131C0125D). Baker reviewed comments from Ceil Strauss. Strauss mentioned that the City is enrolled in the NFIP, but the community is not currently mapped. She said that Lonsdale's residents will be covered under the regular program once the Rice County FIRM maps become effective. Strauss stated that the map updates are being done with federal money, and Rice County was approved because of its available and updated data and topography information.

The Commission decided to hold a public hearing later on in the year, in conjunction with the effective date of the final FIRM maps.

MISCELLANEOUS

Freid said that he was recently contacted by Rosalind Carson, 326 Arizona Street SE, regarding a property line dispute with the property owners at 313 Central Street East, and he wanted to get further information on the status of the disagreement. Filipeck explained the history and current status of the dispute. He mentioned that the issue is mainly a civil dispute and the City is doing its part based on the information that has been provided so far.

Dols asked if any more information was found out about the dirt being brought in by the property located southeast of Fig Street NW and Hwy 19. Baker said that the City Administrator and City Engineer did visit the site and talked with the property owner about two months ago. He said that the City Engineer said that the soils were found not to be contaminated.

7. ADJOURNMENT

A motion was made by Kodada and seconded by Freid to adjourn the meeting. Vote for: Kodada, Freid, Dols, Sticha, and Duban; Against: None. Vote: 5-0. The meeting ended at 8:27 pm.

Respectfully Submitted:

Benjamin Baker, City Planner