

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Joe Kodada

STAFF PRESENT:

City Planner Benjamin Baker and Public Works Director Russ Vlasak

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

3. APPROVAL OF MINUTES FROM THE MARCH 19, 2008 REGULAR MEETING

A motion was made by Duban and seconded by Skluzacek to approve the minutes of the March 19, 2008 meeting. Vote for: Skluzacek, Freid, Dols, Duban and Vosejpka; Against: None (Vote 5-0). Motion carried.

4. PUBLIC COMMENT

a. Mayor Rud

Dols said that Mayor Rud was not able to attend the meeting due to another obligation, but Dols said Mayor Rud did relay a few comments to Planner Baker prior to the meeting. Baker said that Mayor Rud wanted to thank the Planning Commission for their hard work and efforts in reviewing and creating new ordinance regulations. Baker said that the Mayor also wanted to encourage the Planning Commission to approve ordinances that are enforceable and reasonable. He also mentioned the Planning Commission should carefully consider the ramifications of future ordinances that require the enforcement of personal property like boats parked in the front yard and garage sale signage.

5. PUBLIC HEARING

a. Conditional Use Permit request by Malecha Trucking for a 10,000 gallon diesel fuel tank at 131 Florida Street SE

Dols read the public hearing notice and opened the public hearing. Baker read through the staff report. He said the owner and applicant is Malecha Trucking. Baker said the applicant is requesting approval for a CUP in order to place a 10,000 gallon above-ground storage tank within the I-2, Medium Industrial District. He said the site is currently used for the parking of trucks and trailers. He said a small above ground storage tank is also located on the western edge of the property. He reminded the Commission of the applicable ordinances and lot requirements. He said the proposed fuel tank will be double-walled and installed by a certified contractor. Baker said staff recommends approval of the CUP with the following conditions:

- Requirements for aboveground storage tanks by the Minnesota Department of Public Safety – State Fire Marshall Division shall be met
- Requirements for aboveground storage tanks by the Minnesota Pollution Control Agency shall be met

Dols mentioned that attached to the staff report was a letter dated 4/4/08 from Robert & Bonnie Nelson, 615 4th Circle Drive SE.

A motion was made by Duban and seconded by Skluzacek to accept the letter as part of the public hearing. Vote for: Skluzacek, Freid, Dols, Duban and Vosejпка; Against: None (Vote 5-0). Motion carried.

Dols asked if anyone had any other comments off the floor regarding the CUP request.

6. OLD BUSINESS

a. Consider approval of Ordinance 2008-220, Sign Ordinance

Baker said that staff presented Ordinance 2008-220, as recommended by the Planning Commission, to the Council at their meeting on March 27th, 2008. He said the Council approved of the majority of the ordinance, but they suggested adding descriptive language to the garage sale signs section and allowing for civic event signage.

Baker presented to the Commission the revised ordinance based on the City Council's comments. The Commission reviewed Section 15 (E) Garage sale signs, (F) Private party and celebration signs, and (G) Community event and public information signs. Skluzacek suggested that off-premise signs should have written permission from the property owner. Dols said that language should be added to address federal and state sign regulations. Vlasak asked if there was an associated violation fee for sign removal. Skluzacek asked if garage sale signs are even an issue. Vlasak said that last year the public works department did a sweep of all off-premise temporary signs, pulling out all signs including garage sale and political signs. Baker suggested that a newspaper article

might help citizens become aware of the new ordinance regulations. Dols said that the city should treat all off-premise signs equally, and he asked how can we justify leaving up garage sale signs but taking down other off-premise signs. Dols said that garage sale signs might not be a huge issue, but enforcement of signs should be consistent. Duban said the signs in the right-of-way effects the vision of drivers.

A motion was made by Fried and seconded by Duban to approve Ordinance 2008-220, Signs, with the following revisions: all temporary signs shall follow federal and state regulations and off-premise signs shall require permission from the property owner in writing. Vote for: Skluzacek, Freid, Dols, Duban and Vosejpka; Against: None (Vote 5-0). Motion carried.

7. NEW BUSINESS

a. Consider approval of a Conditional Use Permit request by Malecha Trucking for a 10,000 gallon diesel fuel tank at 131 Florida Street SE

The applicant, Russ Malecha, stated that only contractors associated with Malecha Trucking will be allowed to fuel up at the site. He said that the doubled-walled tank will work as a containment wall. Dols asked if the current tank will be removed from the site. Malecha said yes. He also assured the Commission that truck traffic would stay the same or decrease. He said they direct all the truck traffic down Industrial Drive. Duban and Vosejpka expressed concern regarding the soils being able to support a 10,000 gallon tank. Malecha said the cement pad and footings will be constructed large enough to hold the structure. He said that the parking surface around the tank will be aggregate base. Malecha described how the details of the tank and fueling system. The Commission asked about the tank's proximity to a wetland area. Baker said that Rice County Soil & Water recommended a 20 ft. wide grass buffer along the southern edge of the property. Malecha assured the Commission that any spills will be reported and disposed of properly. He also said a certified contractor will be installing the tank according to state regulations.

A motion was made by Duban and seconded by Skluzacek to approve the Conditional Use Permit request by Malecha Trucking for a 10,000 gallon diesel fuel tank at 131 Florida Street SE with the following conditions:

1. Requirements for aboveground storage tanks by the Minnesota Department of Public Safety - State Fire Marshal Division shall be met
2. Requirements for aboveground storage tanks by the Minnesota Pollution Control Agency shall be met
3. A 20 ft. wide grass buffer shall be maintained along the entire southern property line.

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

b. Discuss residential uses within the B-3, Central Business District

Baker said that staff has been contacted by the current owner and a prospective buyer for the building located at 120 Main Street North. Baker said since residential uses are currently not permitted downtown, the interested parties asked if the City would reconsider allowing residential uses again within the B-3, Central Business District. Baker said that staff briefly researched the issue and found that the Planning Commission had discussed the issue in late 2006 and into 2007. He said he found a draft ordinance for the B-3 District that was never acted on. He attached the draft ordinance to the Commissioners staff report for their review and comments. Baker said most cities allow residential uses in their downtown districts.

Dols asked the Commission what they wanted to do with the issue. He asked if everyone was in favor of permitting residential uses downtown. A majority of the Commissioners stated that they were in favor of second floor residential uses downtown. Freid expressed that he was concerned with downtown residents loitering and hanging out on the downtown sidewalks. He said as long as residents are parking behind the building and entering through the rear entrances, he is okay with allowing residential uses downtown. The Commission discussed the draft ordinance and major points to allowing residential uses within the Central Business District including maximum occupancy, adequate green/open space, off-street parking, rear entrances, and required commercial uses on the ground floor.

The current owner of 120 North Main Street, Matt Krause, addressed the Commission. He encouraged the Commission to consider allowing residential uses in the downtown area again. He said his property currently cannot have residential uses because it has been over a year since residents have lived in the building. He said that his building currently meets all the requirements of the draft ordinance. He said many people in the area would benefit if an ordinance was passed permitted residential uses. Krause and the Commissioners discussed his property in detail. Krause said he was planning to fix up his building. Dols thanked Krause for his comments.

The Commission set a public hearing date for May 15, 2008, to discuss a proposed amendment to the B-3, Central Business District. Baker said he would work to clarify the draft ordinance language regarding maximum residential occupancy and unit amounts.

c. Discuss Lonsdale Area Access Management Overlay Ordinance for MN Hwy 19 – City of Lonsdale

Baker said that the City Council approved MnDOT's Lonsdale Area Access Management and Safety Plan at the March 27, 2008 Council meeting. He said MnDOT is requesting that the City consider adopting the Lonsdale Area Access Management Overlay

Ordinance for MN Hwy 19 to implement the plan. He said the ordinance would affect areas within ½ mile of the centerline of Trunk Highway 19. Baker provided a copy of the ordinance to the Commission to review. He also went through the purpose behind the proposed ordinance. Baker mentioned that if the Commission scheduled a public hearing, that Chris Moates from MnDOT would probably attend the meeting to discuss the ordinance. Baker suggested inviting Kevin Kawlewski, City Engineer, to the meeting as well.

A motion was made by Duban and seconded by Freid to set a public hearing for Hwy 19 Overlay Ordinance. Vote for: Skluzacek, Freid, Dols, Duban and Vosejпка; Against: None (Vote 5-0). Motion carried. The meeting ended at 7:58 pm.

8. OTHER BUSINESS

Duban stated that the Commission should relook at the accessory building ordinance and allowable building size because the Council recently approved a size greater than the amount listed in the ordinance. Dols said that it is not worth amending the ordinance again. He said the Planning Commission goes by the book and the Council has the right to follow or not to follow the Planning Commission's recommendation.

The Commissioners mention that there is a safety concern with the South 40 building that needs to be looked at. Vlasak said the Police Department had already contacted him about the problem. The Commissioners also asked about the movie screen along Main Street North.

9. ADJOURNMENT

A motion was made by Freid and seconded by Skluzacek to adjourn the meeting. Vote for: Skluzacek, Freid, Dols, Duban and Vosejпка; Against: None (Vote 5-0). Motion carried. The meeting ended at 7:58 pm.

Respectfully Submitted:

Benjamin Baker, City Planner