

**MINUTES  
CITY OF LONSDALE  
REGULAR PLANNING & ZONING COMMISSION MEETING  
OCTOBER 16, 2014**

**MEMBERS PRESENT:**

Voting Members: Jim Freid, Joe Kodada, Dave Dols, and John Duban

**MEMBERS ABSENT:**

Ben Sticha and Council Representative Scott Pelava

**STAFF PRESENT:**

City Planner Benjamin Baker

**1. CALL TO ORDER**

Vice Chairperson Kodada called the meeting to order at 6:30 pm in the Council Chambers at 415 Central Street West. Chair Dols, was present at the meeting, but due to a minor illness he asked Kodada to lead the meeting.

**2. AGENDA**

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

A motion was made by Duban and seconded by Freid to approve the agenda as presented. Vote for: Freid, Kodada, Dols, and Duban; Against: None. Vote: 4-0. Motion carried.

**3. APPROVAL OF MINUTES**

A motion was made by Freid and seconded by Duban to approve the Minutes from the August 21, 2014 Planning Commission Meeting. Vote for: Freid, Kodada, Dols, and Duban; Against: None. Vote: 4-0. Motion carried.

**4. PUBLIC COMMENT**

None

**5. PUBLIC HEARINGS**

- a. Review a Request for Vacation of the Colorado Street SW Right-of-Way, Between 3<sup>rd</sup> Avenue SW and 4<sup>th</sup> Avenue SW, by Frank & Dawn Breimhorst and Bonnie Simon  
Kodada opened the public hearing, and Baker read through the staff report, including a memo from the City Engineer, maps, and pictures of the site. The staff report detailed the site location, applicant info, owner info, petition, surrounding properties, zoning, land use plan, utilities, City staff comments, and pros/cons considerations.

Baker stated that the subject right-of-way is an unimproved and unpaved section of Colorado Street SW, running from 3<sup>rd</sup> Avenue SW to 4<sup>th</sup> Avenue SW. He explained that a 33 ft. wide right-of-way is typically combined with another 33 ft. wide strip of land to make a full sized right-of-way, which has the capacity to host a two-way street, on-street

parking, utilities, sidewalks, and a boulevard area for snow storage,. Baker mentioned that for over 90 years the subject right-of-way was never expanded or improved. He noted that just east of the subject property, a paved section of Colorado Street SW is squeezed within a 33 ft. wide right-of-way, and then one block further to the east, the right-of-way expands to full-size.

Baker said that the subject property is dirt/grass covered and relatively level/passible for vehicles. He noted that except for the on-going traffic associated with a home remodel project at 333 3<sup>rd</sup> Avenue SW, only a few occasional vehicles pass through the subject right-of-way and rear yard alleyway.

Mike Walters, 326 4<sup>th</sup> Avenue SW, confirmed that he does travel through the subject property and alley to get to his rear yard garage. He mentioned that he typically accesses the alley by means of the curb-cut along 3<sup>rd</sup> Avenue SW because a of a recently planted tree and fireplace blocking his access along the 4<sup>th</sup> Avenue SW side of the subject property.

Baker said that there is a buried telecommunications fiber optic line running through the subject property, and he suggested establishing a utility easement over the property if the right-of-way is vacated. He also noted that no public utilities, private gas lines, or private power lines currently run through the property. He stated that the Public Works Director and City Engineer are cautious about vacating any public rights-of-way because of potential land needs that may be required for future public infrastructure improvements. Baker said that over the last decade there have not been any discussion or proposed improvements to the subject right-of-way.

Baker provided the following pros and cons for the Planning Commission to consider in the case that the subject right-of-way property (Colorado Street SW) was vacated:

*Pros:*

- The property would be taxable
- There would be less liability for the City
- There would be no maintenance obligations

*Cons:*

- Southern access to the rear yard alley would be will lost. Although, the existing alley would still maintain an access/outlet to the 3-R Landmark property, the steep slope, trees, and lack of driveway through the historic school property may make vehicle access to the alley virtually impossible. However, access from Alabama Street would still be available, but there is currently no curb cut for the alley in that location.
- There would be no official right-of-way land for watermain looping, stormwater, or other public improvements that may be needed in the future. However, the 3-R Landmark School property could possibly be used for such future utilities improvements as well. Also, a utility easement would provide for City use of the subject property in the future, if needed.

Baker estimated that each parcel, 4,620 sq. ft., was worth approximately \$5,000.00, and he said that annual property taxes would be around \$20-\$200/parcel.

Baker stated that City Administration does not have a strong stance or suggestion on whether the subject right-of-way should be vacated or not, since the subject property has existed for almost 90 years without much conflict or incident. However, Baker provided the Planning Commission with the following recommendation, which he deemed as the fairest and best option for all parties involved:

Baker recommended approving the proposed vacation petition/request of Colorado Street SW, as shown on the provided survey, with the following conditions:

*Conditions:*

1. The City Attorney shall prepare and record the necessary deed documents to officially and clearly transfer ownership of the property from the City to the applicants. The cost for this work (completed by the City Attorney) shall be fully paid for by the applicants.
2. In order to account for the existing fiber optic line buried within the subject right-of-way and to account for any potential future City utility uses, a 33 ft. wide drainage and utility easement shall be established over all of Lot G (subject property) for use by private and public utility companies only. The City Attorney shall prepare and record the necessary easement documents. The cost for this work (completed by the City Attorney) shall be fully paid for by the applicants.
3. To allow for vehicle access to the existing 20 ft. wide rear yard alley (running between Colorado Street and Alabama Street), a curb-cut and apron shall be constructed at the intersection of said alley and Alabama Street SW. The curb-cut and apron shall be constructed to City standards and completed no later than November 30, 2014. The cost for this work shall be fully paid for by the applicants. The City Engineer estimated the proposed work at \$1,500.00 for removal of the high-back curb and construction the new curb-cut access.
4. Since residential properties shall not have multiple driveway curb-cuts, the existing curb-cuts on 3<sup>rd</sup> Avenue SW and 4<sup>th</sup> Avenue SW (allowing access to the subject right-of-way property) shall be removed and replaced with standard B612 or B618 curb/gutter depending what is currently in place. The cost for this work shall be fully paid for by the applicants. The City Engineer estimated the proposed work at \$1,500.00 per curb-cut removal and replacement.
5. Maintenance and liability of Lot G (subject property) shall be the sole responsibility of the applicants.

Kodada asked if anyone off the floor wanted to speak on the matter.

Bonnie Simon, 333 3<sup>rd</sup> Avenue SW, stated that historically the City hasn't maintained the subject right-of-way, but she plans to enhance the yard and add landscaping to that area. She said that she is not sure how many vehicles currently use the subject right-of-way. She said that Breimhorst Family and her have already paid over \$2,000 for a certificate of survey and a land use application to get the subject property vacated, and she said that she isn't interested in paying any more money for unnecessary curbs and curb-cuts that may be reconstructed in 5-10 years. She wondered why the City would require these curb-cuts to be reconstructed as regular curbs since there are many cases around the original part of town that have multiple curb-cuts, including some in the recently reconstructed areas. She said that if the property was vacated that she wouldn't mind if neighbors drove through her property once-in-a-while to access the rear yard alley, but not all-of-the-time.

Dols asked when the City was planning to reconstruct this area of town. Baker said that this area is part of the City's overall Capital Improvement Program (CIP), but he stated that CIP Area No. 5 was already on-track to be completed over the next 3-5 years, therefore other reconstruction projects would probably be put on hold until Area No. 5 was complete.

Frank Breimhorst, 332 4<sup>th</sup> Ave SW, stated that he agreed with everything that Bonnie Simon stated earlier. He said that he plans to leave the subject right-of-way the same or he may add some landscaping at a future date. He said that the City has not maintained the subject right-of-way for the 37 years that he has lived there. Breimhorst stated that it is silly for the City to require removal of the existing curb-cuts and construction of a new curb-cut along Alabama. He said that he uses the curb-cut along 4<sup>th</sup> Avenue to access his detached garage. Breimhorst said that he would not have petitioned for a street vacation if he had known that the 4<sup>th</sup> Avenue curb-cut would need to be taken out. He said that he has kept up and treated the subject property like it was his own, and he explained that he would like the western portion of the subject right-of-way to legally be listed under his ownership. He said that he uses the subject property like his own yard because he maintains it.

Dols asked about the reasoning for re-curb-ing the existing curb-cuts. Baker noted that it has been the City's policy that residential properties only be allowed to have one curb-cut access. He said that according to the City Engineer and Public Works Director, one residential access/curb-cut is now the standard, which allows for more adequate on-street parking, snow storage, drainage, and leads to a reduction in access points onto local roads. Breimhorst stated that snow storage has not been an issue since the curb-cut were originally constructed.

Mike Walters, 326 4<sup>th</sup> Avenue SW, stated that he has concerns with the proposed vacation of the subject property because he periodically uses that right-of-way to access his rear yard garage. He said that the City approved a building permit for a 14' x 16' garage back in 2009, therefore the City needs to make sure that access is provided to the alleyway that runs along his rear yard. Walters mentioned that in 2010 a similar petition was being process behind closed doors, so he called Joe Daleiden to take care it.

Walters accused Bonnie Simon of placing larger rocks in the Colorado Street right-of-way to block his access to the rear yard alley. Walters said that he has video evidence of the boulders being removed. Bonnie Simon stated that she did not place any rocks behind her property and that she doesn't like to be accused of things that are not true. Walters said that Breimhorst planted a tree in the subject property and placed a fireplace there too. Breimhorst said that the fireplace is portable, and it can easily be moved.

Walters presented a few items to the Planning Commission for review, including: 1) a non-notarized petition signed by six neighboring properties abutting the alleyway that "do not agree with the request to vacate the unpaved section of Colorado Street SW", 2) a map and description of where the fire pit and boulders were placed, and 3) maps showing different access distances to/from the rear yard garage. Walters asked why the City should maintain the subject property if the neighboring property owners are already mowing that land. Walters stated that if the City does approve the proposed vacation, then a new curb-cut access should be installed to the alley along Alabama Street SW. He said that he doesn't want to ruin his vehicle's front end alignment going over a high-back curb. Walters said he tries not to drive over the grassy alley when it is wet. Freid stated that since the City approved a building permit for a rear yard garage, then the City should consider paying for a new curb-cut along Alabama Street SW and an improved drive over the alley leading to the garage.

Dawn Breimhorst, 332 4<sup>th</sup> Avenue SW, stated that they need access to their detached garage via the existing 4<sup>th</sup> Avenue curb-cut. She explained that Bob Novak and her family originally made the decision to install the curb-cut accesses to the subject property.

No other comments or questions were relayed on the subject.

A motion was made by Duban and seconded by Freid to close the public hearing. Vote for: Freid, Kodada, Dols, and Duban; Against: None. Vote: 4-0. Motion carried. The public hearing on the matter closed at 7:23 pm.

b. Review a Zoning Ordinance Amendment Request by the City of Lonsdale to Create a New "C-I, Commercial-Industrial" Zoning District

Kodada opened the public hearing, and Baker provided information on the proposed zoning ordinance text amendment suggested by the City of Lonsdale. He said that the City is in the process of creating a new hybrid commercial-industrial zoning district to allow for a mix of commercial and industrial uses and increased building design standards. He said that a new commercial-industrial zoning district makes sense for the newly platted land between Commerce Drive SE and Hwy 19 in the Lonsdale Business Park because it is the main gateway to the City. He also noted that the new zoning district would not allow for full metal buildings, which was a previous concern brought up by a few neighbors during the business park development process. He said that buildings in the new hybrid district would look similar to the newer buildings in the Rolling Ridge Market Place and along Industrial Park Drive SE. Baker read through the proposed uses, lot requirements, and other standards of the new zoning district. He said

that the hybrid district combines most of the uses and standards from the B-2, I-1, and I-2 Districts together into one district.

After Baker finished his report, Kodada asked if anyone off the floor had any comments or questions about the new zoning district. No one responded to the invitation.

A motion was made by Duban and seconded by Freid to close the public hearing. Vote for: Freid, Kodada, Dols, and Duban; Against: None. Vote: 4-0. Motion carried. The public hearing on the matter closed at 7:32 pm.

c. Review an Official Zoning Map Amendment Request by the City of Lonsdale, Rezoning Certain Property within the Lonsdale Business Park from I-2, Medium Industrial to P, Parks & Open Space and C-I, Commercial-Industrial

Kodada opened the public hearing, and Baker provided the Planning Commission with three maps to review: 1) Proposed Zoning Map, 2) Land Use Plan, and 3) Current Zoning Map. Baker explained that in order to rezone the property along Hwy 19 within the Lonsdale Business Park from “I-2, Medium Industrial” to “C-I, Commercial-Industrial”, that the City needs to officially approve an amendment to the Official Zoning Map. He also suggested that the City should rezone the Rezac Nature Preserve and 75 ft. wide greenway buffer to “P, Parks & Open Space” as discussed at previous Planning Commission meetings. The Planning Commissioners reviewed the maps and proposed rezoning.

After Baker finished his report, Kodada asked if anyone off the floor had any comments or questions about the proposed zoning map amendments. No one responded to the invitation.

A motion was made by Duban and seconded by Dols to close the public hearing. Vote for: Freid, Kodada, Dols, and Duban; Against: None. Vote: 4-0. Motion carried. The public hearing on the matter closed at 7:37 pm.

## 6. GENERAL BUSINESS

a. Consider Approval of a Request for Vacation of the Colorado Street SW Right-of-Way, Between 3<sup>rd</sup> Avenue SW and 4<sup>th</sup> Avenue SW, by Frank & Dawn Breimhorst and Bonnie Simon

Baker stated that a public hearing was conducted earlier in the meeting, and he reviewed his recommendation with the Commissioners. Freid suggested that the City be responsible for paying for the curb-cut and upgraded alleyway improvements since the City approved a garage permit for 326 4<sup>th</sup> Avenue SW a few years ago. Baker noted that both Walters and the City were aware of the current conditions and accesses to the alleyway when the permit was issued in 2009. He also advised the Planning Commission to consider that the City/ local taxpayers should not be responsible for paying for any unscheduled/unnecessary improvements. He said that if approved, the vacation of the subject right-of-way would take away level access to/from the rear yard alley, and he suggested that the petitioners should then be responsible for providing similar access, by means of a new curb-cut along Alabama Street SW. Baker noted that the petitioners will

each be gaining a \$5,000.00 parcel for the shared cost of a land use permit, survey, and curb-cut. The Planning Commissioners agreed with Baker's suggestion. However, the Planning Commission did not see any compelling reasoning for why the existing curb-cuts along 3<sup>rd</sup> Avenue SW and 4<sup>th</sup> Avenue SW should be removed and reconstructed as high back curb. They mentioned that the City previously allowed the Breimhorst and Simon properties to construct the two adjacent curb-cuts back when 3<sup>rd</sup> and 4<sup>th</sup> Avenue were last reconstructed. For reference and comparison, the Commissioners discussed other properties in the original neighborhoods having multiple accesses and other situations similar to the unpaved section of Colorado Street SW. Baker mentioned that absent Planning Commissioner Member Sticha wanted to relay that he was in favor of the proposed vacation. After further discussion, including review of the submitted neighborhood petition, the Commissioners agreed to recommend vacation of the subject right-of-way with the discussed stipulations.

A motion was made by Dols and seconded by Freid to approve the vacation of Colorado Street SW right-of-way, from 3<sup>rd</sup> Avenue SW to 4<sup>th</sup> Avenue SW, as-shown on the certificate of survey, contingent upon the following conditions:

1. The City Attorney shall prepare and record the necessary deed documents to officially and clearly transfer ownership of the property from the City to the applicants. The cost for this work (completed by the City Attorney) shall be fully paid for by the applicants.
2. In order to account for the existing fiber optic line buried within the subject right-of-way and to account for any potential future City utility uses, a 33 ft. wide drainage and utility easement shall be established over all of Lot G (subject property) for use by private and public utility companies only. The City Attorney shall prepare and record the necessary easement documents. The cost for this work (completed by the City Attorney) shall be fully paid for by the applicants.

Baker estimated the aforementioned City Attorney work to be around \$500, and he noted that any remaining escrow money will be used to cover such expenses.

3. To allow for vehicle access to the existing 20 ft. wide rear yard alley (running between Colorado Street and Alabama Street), a curb-cut and apron shall be constructed at the intersection of said alley and Alabama Street SW. The curb-cut and apron shall be constructed to City standards and completed no later than November 30, 2014. The cost for this work shall be fully paid for by the applicants.

Baker stated that the City Engineer estimated the proposed work at \$1,500.00 for removal of the high-back curb and construction the new curb-cut access.

4. Maintenance and liability of Lot G (subject property) shall be the sole responsibility of the applicants.

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

- b. Consider Approval of a Zoning Ordinance Amendment Request by the City of Lonsdale to Create a New “C-I, Commercial-Industrial” Zoning District

Baker stated that a public hearing was conducted earlier in the meeting, and he reviewed his recommendation with the Commissioners. The Planning Commission reviewed and agreed with the proposed new zoning district as proposed.

A motion was made by Duban and seconded by Dols to approve a zoning ordinance amendment, creating a new zoning district: C-I, Commercial-Industrial, as presented. Vote for: Freid, Kodada, Dols, and Duban; Against: None. Vote: 4-0. Motion carried.

- c. Consider Approval of an Official Zoning Map Amendment Request by the City of Lonsdale, Rezoning Certain Property within the Lonsdale Business Park from I-2, Medium Industrial to P, Parks & Open Space and C-I, Commercial-Industrial

Baker stated that a public hearing was conducted earlier in the meeting, and he reviewed his recommendation with the Commissioners. The Planning Commission reviewed and agreed with the proposed amendments to the Official Zoning Map as discussed.

A motion was made by Dols and seconded by Duban to approve an amendment to the Official Zoning Map, rezoning property within the Lonsdale Business Park from I-2, Medium Industrial to P, Parks & Open Space and C-I, Commercial-Industrial as presented. Vote for: Freid, Kodada, Dols, and Duban; Against: None. Vote: 4-0. Motion carried.

## **7. MISCELLANEOUS**

- The Planning Commission briefly reviewed and discussed an article from the Star Tribune: “Fate of Lowry Hill treehouse in Minneapolis City Board’s hands”.
- The Planning Commission also discussed the alley running next to Casey’s General Store.

## **8. ADJOURNMENT**

A motion was made by Freid and seconded by Duban to adjourn the meeting. Vote for: Freid, Kodada, Dols, and Duban. Against: None. Vote: 4-0. Motion carried. The meeting ended at 8:14 pm.

Respectfully Submitted:

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Benjamin Baker, City Planner