

## PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

June 18, 2007

**Present:** Kevin Fernandez, Holly Borrelli, Craig Johnston, Elizabeth Mursko, Christine Bray, Glenn Larson and Todd Berg

**Absent:** Dean Strehlau and Gene House

**Staff Present:** City Planner Richard Thompson, Sherri Buss; City Attorney Nick Vivian

### 1. Call to Order

Chair Fernandez called the meeting to order at 7:00 PM, Grant Standard Time.

### 2. Pledge of Allegiance

### 3. Approval of the Agenda

Motion to approve the agenda made by Christine Bray, seconded by Elizabeth Mursko. Motion carried unanimously.

### 4. Approval of Minutes

Chair Fernandez requested two corrections to the minutes of the May, 2007 Planning Commission meeting. These included the following: page 6, second paragraph from the bottom of the page should note that the Chair abstained from voting on the motion; page 9, 1st sentence should note that the Chair abstained from voting on the motion.

With these corrections, a motion to approve the minutes of the May meeting was made by Christine Bray and seconded by Holly Borrelli. Motion carried unanimously.

### 5. New Business

#### a. Swanson Variance Application

Mrs. Nancy Swanson explained the reasons for their request for a variance to construct a family room on their home. Planner Thompson indicated that the Swanson's are requesting a variance from the rear yard setback. He explained that the situation is unique to this property, as it is an older home and lot in

Withrow that was developed before the City's current ordinance was adopted. There is no good alternative for expansion of the house, and the proposed expansion will not encroach on the setback area beyond an existing porch.

Craig Johnston asked if the stakes on the lot marked the proposed expansion. Mrs. Swanson indicated that the stakes described are a horseshoe pit; the location of the proposed expansion is closer to the house. Craig Johnston also asked if the Swanson's could make additional changes or expand the home further. Mr. Thompson indicated that they would need to request an additional variance(s) in order to expand further.

There were no public comments on the variance application.

Christine Bray moved that the Commission recommend approval of the variance to the City Council, with the conditions included in the staff report. The motion was seconded by Glenn Larson. Motion carried unanimously.

## **6. Old Business**

### **a. Langer CUP**

Mr. Langer reviewed his proposal for commercial condominiums, and described exterior improvements proposed for the properties. He indicated that he is changing his proposal for signage so that a variance will not be required. Mr. Thompson indicated that they had discussed the new signage proposal, and it appears to resolve the issue so that a variance will not be needed

The Chair opened the public hearing at 7:19 p.m. Comments were as follows: Joe Plumbo, 6120 Lake Elmo Ave. North: Mr. Plumbo noted that there were noise problems related to the previous owner's use of the site. He indicated that the City should determine whether the proposed use could create noise problems. The Chair indicated that the City's noise ordinances would be applied to any future use at the site. He also asked for a definition of the term "principle retail". Mr. Thompson indicated that the ordinance is not clear on the issue, but that "principle" generally means more than 50 percent. The proposed uses included about 25% retail in each building. Attorney Vivien concurred with the Planner's interpretation of the ordinance, and indicated that the term should be clarified in the ordinance.

Planning Commission members asked several questions regarding the proposed condominium ownership at the site. The Attorney indicated that "condominium" is not a type of subdivision, but a type of ownership. An "association" will own the buildings, including multiple owners, but the property will not be subdivided. The Conditional Use Permit will be granted to the Association. The CUP will be

recorded with the plat and will run with the property and apply to any future owners. It will not need to be updated if ownership changes in the future. The Attorney suggested that the Council should annually track any changes in ownership.

The Attorney noted that condominium ownership is governed by state statute. Local governments cannot regulate condominium ownership, or restrict condominium ownership through local regulations, but can regulate use of the property based on their ordinances.

Planning Commission members asked how the city's ordinance requiring 2.5 acres per business would apply to this property. Mr. Vivian indicated that the Association/owner would need a variance to subdivide the property. The owner would also need City approval for a new structure.

Planning Commission members asked if Washington County has approved the plat. Mr. Langer indicated that they are currently reviewing the plat and have required some changes. He is expecting an approved plat within the next week. Members asked about what will happen if the CIC is not approved by the County. The Attorney indicated that the County is unlikely to reject the CIC--the County will provide comments or require changes to get a CIC that they can approve.

Mr. Plumbo asked if they could increase the amount of retail use on the site. The Planner indicated that retail use must remain below 50%. Members reviewed the definition of "retail" in the City's ordinance.

Planning Commission members asked about who the eventual owners will be. Mr. Langer indicated that the 2 businesses occupying the buildings will own the buildings, but the land will be owned in common. An Association will be established to govern the common ownership; this will be the legal entity that owns the property, and will be the City's point of contact.

Planning Commission members asked about the original CUP for the property. Mr. Langer indicated that the original CUP is currently in effect for both parcels and the 3 buildings on the site. The new CUP will amend the original CUP, and will apply to parcel 2, including buildings B and C. The original CUP will apply to parcel 1, including Building A. Using the amendment process will allow for better long-term tracking than initiating a new CUP.

Members asked about whether the proposed uses fit the definition of "Light Manufacturing" in the City's code. After reviewing the definitions, Mr. Thompson noted that Erskine Floors fits the "Limited Manufacturing" definition in the code, but that Brothers more closely fits the "Warehousing" use definition. Planning Commission members noted the need to carefully define the proposed

uses for the site in the CUP, including the proportion of the site that can be used as a showroom. Kevin Atkins, realtor for Erskine Floors, indicated that their business includes some light milling work, but is mainly warehousing and distribution.

Mr. Plumbo asked if the milling work will create a noise problem. Mr. Langer indicated that the ventilation systems in the building will accommodate this use, and doors will remain closed. Problems occurred with the previous business occupant because the machinery used generated high temperatures that required the doors to be open.

The Public Hearing was closed at 8:14.

Commission members discussed Mr. Langer's new sign proposal, which includes a 100 sq. ft. sign on the building, and a 200 sq. ft. free-standing sign. They concluded that the new signage proposal complies with the ordinance.

Christine Bray moved approval of the CUP for Warehousing and Distribution with the conditions included in the staff report, modified as follows:

#8--retail use may be no more than 25% of the floor space

#13--the property must meet all requirements of the City's lighting ordinance

#17--the City must receive an executed copy of the CIC from Washington County

#22--the new signage proposal should replace the original signage proposal

#23--the CIC cannot be modified by the new owners to conflict with the CUP

Craig Johnston seconded the motion. Motion carried on a 4-2 vote, with Commissioners Holly Borelli and Glenn Larson voting "no".

a. Bruggeman Subdivision

Mr. Bruggeman summarized his proposal, including changes to the project and plat that have occurred in the past week. He indicated that there is a new owner for the northern lot, and that the lot line has been redrawn. He provided copies of the revised plan to the Commission.

The Attorney noted that the new owner would need to sign a development agreement, and would be obligated to all of the conditions of the plat. Planning Commission members asked when the City would need final ownership information. The Attorney indicated that it would be needed at the time of the final plat and drafting of the developer's agreement.

The public hearing was opened at 8:45 p.m. Comments included the following;

Christine Flood, 8324-60th St.: Ms. Flood asked if the driveway for the northern lot will be included within the lot. Mr. Bruggeman indicated that the revised plan shows that it will be included. Ms. Flood asked if the accessory building will be closer to the street than the primary structure. Mr. Bruggeman indicated that the accessory structure will be closer to the street. Planning Commission members noted that City ordinance requires that the accessory structure will need to mirror the style of the primary structure in that case. This is a recent ordinance change.

Paul Schultze, 6495 Ideal Avenue: Mr. Schultze asked if the developer must have control of the property before development, and has the new owner given sufficient control to Mr. Bruggeman? Mr. Thompson indicated that developers need to have some degree of control, but do not necessarily need to own the property. Mr. Bruggeman indicated that the new owner closed on the northern lot on June 15.

Joyce Welander, 83rd St: Ms. Welander asked if this is a major or minor subdivision. Mr. Thompson noted that it is a major subdivision, as described in the staff report. She also asked if the Glander property was platted, and does the City's 1/4-1/4 section requirement apply. The Commission Chair indicated that the requirement is met by the proposed plat.

Carl Glander, Ideal Avenue, immediately south of the Bruggeman property: Mr. Glander noted that the development proposal includes filling a wetland on the Bruggeman property. He indicated that drainage from his property goes to this wetland. He asked how the new drainage will be accommodated if the wetland is filled. He also asked if the new lots meet the city's density requirements. Mr. Thompson indicated that the wetland and drainage issues will be addressed by the Watershed and Conservation District. Their reports have not been received by the City to date. Mr. Bruggeman indicated that he has discussed the issues with Valley Branch Watershed District. Mr. Thompson indicated that the lots meet the City's density requirements. The Chair noted that the lots are all within the same 1/4-1/4 section.

Kirk Ackerman, Ideal Avenue: Mr. Ackerman asked when the City will receive the wetland report, and when the wetland is proposed to be filled? Should a new application be submitted included the new owner as a co-applicant? Mr. Thompson indicated that the receipt of the report is included in the proposed conditions for approval of the plat. The attorney noted that a letter had been received from the new owner authorizing Mr. Bruggeman to act on her behalf, but indicated that he would prefer to have a new application from both co-owners, and that both will need to be included in the developer's agreement.

The Commission Chair asked if the irregular property boundaries meet the city's code requirements. Mr. Thompson indicated that they appear to meet the City's requirements, but there could be some different interpretations of the requirements.

Charles Daly, 6685 Ideal Avenue: Mr. Daly expressed concerns about potential impacts to the wetland and creek, and noted that the creek carries significant flow. Mr. Bruggeman indicated that the creek will not be impacted by his proposal.

The public meeting was closed at 9:11 p.m.

Christine Bray moved to table the application, and to request a revised application with both owners as applicants, and to request that the wetland and storm water information be available for the next discussion of the application. Craig Johnston seconded the motion. It was approved on a 4:2 vote, with Glenn Larson and Holly Borrelli voting no.

## **7. Adjournment**

A Motion was made by Craig Johnston, seconded by Elizabeth Mursko, to adjourn. Motion carried unanimously.

Respectfully submitted,

Richard E. Thompson