AMENDED PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS	TUESDAY, SEPTEMBER 3, 2024	6:00 PM

Meeting Items

1. Call to Order

   A regular meeting of the Planning Commission was called to order at 6:00 p.m. by Chair Chuck Ackman. Commissioners in attendance were Samantha Green, Barton Jackson, Edward Migilio, Michael Salt, Steven White, and Chair Chuck Ackman. Also in attendance were David Wanberg, Director of Community and Economic Development, Harry Davis, City Planner, and Kari Casper, Administrative Assistant II.

2. Approval of the Minutes

   Samantha Green made a motion to approve the minutes as presented, seconded by Edward Miglio. The motion passed unanimously.

3. Public Hearings

A. Resolution 2024-XXX Adopt the TH 60 West Master Plan

David Wanberg gave a presentation about the aspirational document to help guide development. It doesn't regulate the land use. This land has been undeveloped for several years and this report will assist in giving the developers an idea of what could be developed in this area. The EDA identified this Highway 60 corridor, as well as the City Council, for future development. The EDA, along with Xcel Energy, paid for Bolten Menk's conceptual master plan for this area.

After the presentation, the Chair brought the matter back for discussion and then opened up the public hearing at 6:14 p.m. Richard Giles, 3049 Wells Lake Drive came forward to express his concerns over the speeds in the area. Next up was Matthew Drenth, 3115 Wells Lake Drive, who came forward to express that he would like to see a roundabout in that area and more residential around the lake. Jeff Jandro of 126 230th Street E. then came forward to express his excitement about this proposal. Nort Johnson 210 4th Ave SW, then came forward, also expressing his excitement about the proposals. The Chair then closed the public hearing at 6:21 p.m. With no further discussion, a motion by Samantha Green, seconded by Michael Salt to approve Resolution 2024-XXX Adopt the TH 60 Master Plan as presented. The motion passed unanimously.

B. Resolution 2024-XXX Deny Variance at 15 3rd Ave SW

Harry Davis presented an application for variances requested by Corey Newby, owner of the Urban Flea Market. Davis stated that the applicant is requesting these for a front setback for off-street parking, and the applicant is requesting a zero setback. The second variance request is to not have any curbing. Davis stated that the ordinance requirement is a minimum for development and that no arguments proposed by the applicant are grounds for practical difficulties. A parking setback would allow adequate room for landscaping. Curbing helps ensure that drainage pools properly on the property. Staff recommends denial of the variances based onto the findings and conditions in the draft resolution.

Following the presentation, the Chair then brought the matter back for discussion with the commission. Commissioner Green asked if the applicant did his due diligence before he bought the property. Davis stated that typically when a person buys a property, it's really up to the owner to ask what needs to be done. Commissioner Jackson said that the parking has been discussed before on many occasions. Davis stated that, yes, it had been discussed but not sure if specific variances were discussed. Commissioner Salt recommended a professional drawing by a civil engineer which will help with the nuances to see what is really there. Chair Ackman stated that the action that was taken was a comp plan amendment and zoning amendment.

Chair Ackman opened the public hearing at 6:42. Corey Newby came forward to state that he is offering 46 off-street parking spaces. If curbs go in, it changes the drainage. He is working with Jones Hugh & Smith on a professional survey to be done. Chair Ackman closed the public hearing at 6:49 p.m.

Commissioner White then made a motion to approve the denial of the Resolution. No member seconded his motion and so the motion failed. In further discussion, Green asked if the sole question here is based on a need or a requirement for the parking spaces. Davis stated that there is a formula based on square footage. He believed it to be 50 spaces. She asked about the entire site and sq. footage. Davis stated that the applicant is focusing on the school part. Chair Ackman stated that he couldn't be on board with zero setbacks. Commissioner Salt asked if this was a historical site. Davis stated that it is not a registered historical site. Salt asked if drainage would be impacted by the curbing. Davis stated that we just don't have the level of detail to make that determination. Commissioner Green stated that if the applicant has additional data perhaps he could bring it back to the next meeting.

Commissioner Green made a motion to continue the matter, seconded by Commissioner Salt. Chair Ackman asked if the motion to continue would jam up the process. Davis stated that he would issue an extension. He also stated that just having a survey adding topography would not be enough. Chair Ackman then asked for a vote to continue to the next meeting. The motion to continue passed on a 4/2 vote with Commissioner Ackman and Migilio voting in dissent.

C. City of Faribault/JNJ Properties - Comprehensive Plan Amendment; Zoning Map Amendment

1 Resolution 2024-XXX Approve a Comprehensive Plan Amendment to Guide Certain Properties in 500 and 400 Blocks of 20th St NW

2 Ordinance 2024-XX Approve a Zoning Map Amendment in 500 and 400 Blocks of 20th Street NW

Davis presented JNJ Properties application to change the comp plan for properties from I2 to R2 for certain properties. Commissioner White asked if any of the existing buildings would be impacted by this proposed change. Davis stated that they wouldn't unless they were to make any improvements, they may need to conform to the setbacks.

The Chair opened the matter up for a public hearing at 7:10 p.m. Cody Pettipiece, 1313 Goldenray Circle, came forward on behalf of Harley's Auto Salvage as a third-generation owner. Mr. Pettipiece has been with them full-time for 18 years and the stable business has been in business for 72 years. He is concerned about the residential areas in the industrial district. The house he grew up in is the only house not being proposed. He would eventually want to expand in the future. He strongly disagrees with mixing low residential with industrial. Mr. Pettipiece did mention that the business operates with heavy equipment and has heavy traffic in its business.

Chair Ackman then closed the public hearing at 7:14 p.m. The Chair stated that they looked at the matter last week and can understand both arguments. In looking at the map, he just doesn't vote in favor of "spot zoning".

Commissioner Green then made a motion to approve the resolution, seconded by Commissioner Migilio. A quick vote was taken on a 3/3 and Chair then asked for a Roll Call Vote as such:
Roll Call Vote:

Green	Yes
Jackson	No
Migilio	Yes
Salt	Yes
White	No
Chair Ackman	No

As the vote came in on 3/3, the motion failed.

The Chair would like to take action on a recommendation. Commissioner Jackson then made a motion to deny the resolution on the zoning map, seconded by Commissioner White. The Chair then asked for a Roll Call Vote as follows:

Green	No
Jackson	Yes
Migilio	Yes
Sale	No
White	Yes
Ackman	Yes

The motion passed on a 4/2 vote.

D. Ordinance 2024-XX Vacate a Portion of Drainage and Utility Easement at 2343 14th St NE

Harry Davis presented the applicant's request to vacate a portion of the drainage and utility easement at 2343 14th St NE. The applicants are Johnson Reiland Home Building and the owners are Shattuck St. Mary's School with the intent of future residential. There are no issues with this request and it meets all requirements for a vacation. A public hearing was opened and closed at 7:33 p.m. A motion was made by Commissioner Jackson, seconded by Commissioner Salt. The motion carried on a 6/0 vote.

E. Ordinance 2024-XX Approve Zoning Map Amendments for 818 8th Ave NW and 214 14th St NE

Harry Davis presented that the city is the applicant and requested to rezone these properties at 818 8th Ave and 214 14th St NW from R2 to PI. Staff indicated that there were no major issues. PI will allow their continued use. The Chair brought it back to the board, but no one spoke. The chair opened up and closed the public hearing at 7:37. Commissioner White then questioned the boundaries. He mentioned that it does not include the sediment ponds and the brush pile. His only objection is that it doesn't include all the property. Commissioner Jackson made a motion to approve. The Chair then asked if that would include Commissioner White's request to include those adjacent properties. The Chair wanted Commissioner Jackson to clarify. He stated that he wanted to make the motion go with the original request. Commissioner Green stated that she would like more information based on the statement regarding the brush and the settling ponds. White said that this needs further discussion and to have a better plan. Commissioner Jackson then stated that the staff had already requested it for a reason. Commissioner Green stated that these two are two separate parcels. Davis confirmed. White wanted clarification on the brush and compost. Commissioner White asked if the compost site was approved by the DNR. Davis said that he could not find anything stating that. He did reach out to the DNR about the rezoning and they did not have any issues with these two rezonings. Samantha Green made a motion to approve, seconded by Barton Jackson as written. The motion passed on a 5/1 vote with Commissioner White voting in dissent.

4. Requests to be Heard

5. Items for Discussion

A. Commissioner Delgado - Planning Commission By-laws, Section 12. Attendance

Davis stated that there are three triggers for this under the Bylaws to recommend removal from the commission. In this case, Commissioner Delgado did trigger these with his lack of unexcused absences. Edward Miglio made a motion to recommend Commissioner Eric Delgado be removed from the Commission due to his lack of attendance, seconded by Barton Jackson. The motion passed unanimously.

B. General Planning & Zoning Updates

Chair Ackman asked Davis if action needed to be taken on Rice County's request from the last meeting since the minutes reflected it would be addressed at this meeting. Davis said that the staff is still waiting for additional information and will likely need to repost the public notice when the application is complete.

6. Routine Business

None.

7. Board & Commissions Updates & Reports

None.

8. Adjournment

Michael Salt made a motion to adjourn the meeting at 7:58 p.m., seconded by Samantha Green. The motion passed unanimously.

By: ______________________

Kari Casper, Recording Secretary