



CITY OF LA CRESCENT

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TO: Planning Commission Members
Honorable Mayor and City Council Members
FROM: Shawn Wetterlin, Building/Zoning Official
DATE: May 24, 2019 *Shawn*
RE: Meeting Minutes,
Tuesday, May 7, 2019 and continuation of meeting May 14, 2019

The regular scheduled monthly meeting of the Planning Commission met at 5:30 p.m., on Tuesday, May 7, 2019 in the City Council Chambers at City Hall. The following members were present: Jerry Steffes, Dave Hanifl, Patti Dockendorff, Jason Ludwigson, Richard Wieser and Anna Stoecklein. City Council member Teresa O'Donnell-Ebner, City Attorney Skip Wieser and Building/Zoning Official Shawn Wetterlin were also in attendance. Linda Larson was not in attendance.

1. The meeting was called to order by Chair Steffes. Motion by Hanifl, seconded by Wieser to approve of the meeting minutes of March 5th and 19th.

Upon a roll call vote, taken and tallied by the Building Official, all members present voted in favor.

Hanifl – Yes
Wieser - Yes
Ludwigson – Yes
Dockendorff – Yes
Stoecklein - Yes
Steffes – Yes

2. Chair Jerry Steffes stated the Public Hearings on the agenda are next to his personal property and would like to step down as chair so he can speak regarding the proposed project. Since the Vice Chair Larson was not present our bylaws state that we needed to elect a temporary chair.

Motion by Wieser, seconded by Ludwigson to nominate Hanifl as temporary chairperson.

Wieser - Yes
Ludwigson – Yes
Dockendorff – Yes
Stoecklein - Yes
Steffes – Yes
Hanifl – Abstain

3. The Planning Commission held a public meeting on Tuesday, May 7th, 2019 at 5:30 o'clock p.m. to consider the MSM Development LLC application for the following variances:

1. To allow a front yard setback of 19'-3" when the zoning ordinance requires a 25' foot front setback.
2. To allow a rear yard setback of 12' when the zoning ordinance requires a 35' foot setback.
3. To allow O' setback dividing the townhome.
4. To allow street frontage of 35'-3" and 35'-2" when the zoning ordinance requires 50 feet.

The Planning Commission held a public hearing on Tuesday, May 7th, 2019 at 5:30 o'clock p.m. to consider the application for a preliminary plat.

The Planning Commission held a public hearing on Tuesday, May 7th, 2019 at 5:30 o'clock p.m. to consider the application for a conditional use permit to allow Townhome in an R-1B -- Traditional Low Density Residential District.

The Variances, Preliminary Plat, and Conditional Use Permit conditional requests concerns certain premises situated in said City described as follows, to wit: Parcel number 25.1965.000, Grandview Court.

Temporary chairperson Dave Hanifl opened the variance public meeting, preliminary plat public hearing and conditional use public hearing at the same time.

City attorney Skip Wieser gave a staff report along with a review of applications and provided the criteria to grant variances, conditional use permit and preliminary plat requests.

The applicant presented there project.

The following persons spoke on the matter:

Doug Lampert, 1202 Grandview Terrace
Paul Siegersma, 531 11th St. south
Christine Wagner, 1112 Grandview Terrace
Aaron Bulman, 1304 Grandview Terrace
Jeff Miller, 1400 County 6
Jerry Steffes, 1145 Cedar Drive

The public hearings/meeting closed at approximately 6:15 p.m.

The planning commission discussed the requests.

Motion by Wieser, to approve the front yard setback variance. The motion failed due to the lack of a second.

The planning commission held further discussion regarding the project.

Motion by Wieser to approve the front yard setback variance. The motion failed due to the lack of a second.

The planning commission held further discussion regarding the project.

Motion by Ludwigson, seconded by Dockendorff to continue the public meeting for the consideration of the four variances, C.U.P and Preliminary Plat on Tuesday, May 14th at 5:30 p.m. in the city council chambers for the purposes of allowing planning commission members to tour the proposed building site.

Ludwigson – Yes
Dockendorff – Yes
Stoecklein - Yes
Hanifl – Yes
Wieser - Yes

4. Temporary Chairman Dave Hanifl gave the chair back to member Jerry Steffes.
5. Planning Commission member Jason Ludwigson reviewed the April 1st Bike Pedestrian committee agenda/minutes.
6. Planning Commission member Jason Ludwigson reviewed the recommended ordinance changes from Solsmart, which is part of the green step program. Jason will continue to update the suggested changes bring them back at the next meeting.
7. Motion by Ludwigson, seconded by Wieser to move the 2019 Plan of work item to the next meeting date.
8. The meeting was recessed at 7:30 p.m. to be continued on Tuesday May 14th, 2019 at 5:30 p.m. in the City Council Chambers at City Hall for the purpose of considering the four variances, conditional use permit and preliminary plat requests submitted by MSM Development LLC.
9. The Planning Commission reconvened the meeting from May 7th, 2019 at 5:30 p.m. on Tuesday, May 14th, 2019 at 5:30 p.m. in the City Council Chambers at City Hall.

The meeting was called to order by vice-chair Larson.

Upon a roll call taken and tallied by the Building Official, the following members were present: Linda Larson, Dave Hanifl, Patti Dockendorff, Jason Ludwigson, Richard Wieser and Anna Stoecklein. City Council member Teresa O'Donnell-Ebner, City Attorney Skip Wieser and Building/Zoning Official Shawn Wetterlin were also in attendance. Jerry Steffes was present at the meeting but abstained from participating in the meeting.

City Attorney Wieser reviewed the May 7th meeting: Reviewed criteria for granting of variances and CUP and role of Planning Commission in Quasi-Judicial applications.

Building Official Wetterlin reviewed the variance requests.

The Planning Commission discussed the variances. Planning Commission members discussed the history of the property and that the property was formerly in the Township, which contributed to its uniqueness. GIS maps of the property were projected on television screen for the Planning Commission members and members of the public.

Motion by Wieser, seconded by Hanifl to approve the following variances:

1. To allow a front yard setback of 19'- 3" when the zoning ordinance requires a 25' foot front setback.
2. To allow a rear yard setback of 12' when the zoning ordinance requires a 35' foot setback.
3. To allow O setback dividing the townhome.
4. To allow street frontage of 35'-3" and 35'-2" when the zoning ordinance requires 50 feet.

Discussion followed. City Attorney Wieser reviewed the following proposed Findings in support of the Motion:

Findings of Fact:

A. Is the request in harmony with the general purposes and intent of the ordinance?

The variance is in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Planning Commission because:

The R1B Zoning District permits townhomes not to exceed two (2) units with a CUP. The purpose and intent of this zoning classification is to allow townhomes with no more than two (2) units with CUP

B. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance is consistent with the Comprehensive Plan because:

Approval of the variances will provide more housing units as called for in City's Comprehensive Plan. An essential theme of the Comprehensive Plan, adopted in September 2016, is to encourage increase housing options within the City. Townhome development is an appropriate density for the neighborhood based on inclusion of townhome being listed as a conditional use. Several concepts of the 2016 Comprehensive Plan are applicable to current requests:

- Need for Buildable lots within the City;
- The need for increased density;
- Redevelopment/in fill development; and
- Redefining housing needs to a changing market.

(See Sections 1-5, 1-12, 2-4, 2-6, 3-2, and 3-3 of the Comprehensive Plan.)

Adjoining properties consist of both single-family and multi-family dwellings. Properties along Spruce Drive consisting predominantly of multi-family.

C. Is the plight of the landowner due to circumstances unique to the property owner not created by the landowner?

There are circumstances unique to the property that would prevent compliance with the ordinance because:

The property was formerly in the Township of La Crescent. In 2005 the City imposed development moratorium ordinance. By Resolution No. 06-05-08, the City exempted the subject property from the moratorium ordinance permitting the previous owner to sell the property to the immediate east of the subject property. The result created a unique lot configuration for a municipality. The curvature and width of the road adds to the uniqueness of the character of the lot.

The lot is a large lot within the municipality. The lot consists of 28,897 square feet or 66% of an acre. With the resulting split, lots would be 15,596 and 13,301 square feet respectfully. The resulting lots satisfies the square footage requirements and lot coverage requirements of the Zoning Ordinance.

D. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner does propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because:

The proposed use is reasonable. Townhomes are conditionally permitted in this zoning district. The use and density are compatible with adjoining property owners.

E. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance will alter the essential character of the locality because:

Immediate surrounding land uses include a multi-family structure and single-family structure. Community Ice Area/Athletic Field adjacent to the west. A townhome structure will not adversely impact the character of the locality.

Additional Findings:

The preliminary plat has been reviewed by representatives of the La Crescent Fire Department and they have no public safety concerns. The proposed lot split provides sufficient visibility for public safety.

Conditions of Approval:

- A. The Applicant will abide by all representations made by the Applicant or their agents made during the permitting process including their application.
- B. The Applicant complies with all applicable federal, state, and local regulations.

After discussion and review of the proposed Findings, upon roll call vote tallied by the Building Official, all members voted as follows:

Wieser – Yes
Hanifl - Yes
Ludwigson – No
Dockendorff – Yes

Stoecklein - Yes
Larson – Yes

Motion by Dockendorff, seconded by Wieser to approve the following findings for all four variances:

Findings of Fact:

A. Is the request in harmony with the general purposes and intent of the ordinance?

The variance is in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Planning Commission because:

The R1B Zoning District permits townhomes not to exceed two (2) units with a CUP. The purpose and intent of this zoning classification is to allow townhomes with no more than two (2) units with CUP

B. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance is consistent with the Comprehensive Plan because:

Approval of the variances will provide more housing units as called for in City's Comprehensive Plan. An essential theme of the Comprehensive Plan, adopted in September 2016, is to encourage increase housing options within the City. Townhome development is an appropriate density for the neighborhood based on inclusion of townhome being listed as a conditional use. Several concepts of the 2016 Comprehensive Plan are applicable to current requests:

- Need for Buildable lots within the City;
- The need for increased density;
- Redevelopment/in fill development; and
- Redefining housing needs to a changing market.

(See Sections 1-5, 1-12, 2-4, 2-6, 3-2, and 3-3 of the Comprehensive Plan.)

Adjoining properties consist of both single-family and multi-family dwellings. Properties along Spruce Drive consisting predominantly of multi-family.

C. Is the plight of the landowner due to circumstances unique to the property owner not created by the landowner?

There are circumstances unique to the property that would prevent compliance with the ordinance because:

The property was formerly in the Township of La Crescent. In 2005 the City imposed development moratorium ordinance. By Resolution No. 06-05-08, the City exempted the subject property from the moratorium ordinance permitting the previous owner to sell the property to the immediate east of the subject property. The result created a unique lot configuration for a municipality. The curvature and width of the road adds to the uniqueness of the character of the lot.

The lot is a large lot within the municipality. The lot consists of 28,897 square feet or 66% of an acre. With the resulting split, lots would be 15,596 and 13,301 square feet respectfully. The

resulting lots satisfies the square footage requirements and lot coverage requirements of the Zoning Ordinance.

D. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner does propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because:

The propose use is reasonable. Townhomes are conditionally permitted in this zoning district. The use and density are compatible with adjoining property owners.

E. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance will alter the essential character of the locality because:

Immediate surrounding land uses include a multi-family structure and single-family structure. Community Ice Area/Athletic Field adjacent to the west. A townhome structure will not adversely impact the character of the locality.

Additional Findings:

The preliminary plat has been reviewed by representatives of the La Crescent Fire Department and they have no public safety concerns. The proposed lot split provides sufficient visibility for public safety.

Conditions of Approval:

- A. The Applicant will abide by all representations made by the Applicant or their agents made during the permitting process including their application.
- B. The Applicant complies with all applicable federal, state, and local regulations.

After discussion and review of the proposed Findings and Conditions, upon roll call vote tallied by the Building Official, all members voted as follows:

Dockendorff – Yes
Wieser – Yes
Hanifl - Yes
Ludwigson – No
Stoecklein - Yes
Larson – Yes

Building Official Wetterlin reviewed the Conditional Use Permit request.

The Planning Commission discussed the Conditional Use Permit request.

Motion by Wieser, seconded by Hanifl to approve the Conditional Use Permit to allow a Townhome.

Discussion followed. City Attorney Wieser reviewed the following proposed conditions and findings of fact in support of the Motion:

Findings of Fact:

- A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Response (Findings): The use will not be injurious or otherwise impact the existing use of property in the immediate vicinity. This is an infill development. No testimony was received that the property should remain in its current condition. The preliminary plat has been provided to the Fire Chief and Fire Marshal who have identified no concerns with public safety. The proposed plat provides sufficient visibility for public safety.

- B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Response (Findings): The development will not impact any orderly development in the area. Any land not already developed is owned by the La Crescent School District and used predominately for athletic fields. There is sufficient access to the property by way of public roads.

- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Response (Findings): Adequate utilities, including sewer and water are currently available. Townhomes are a conditional use in the R1B District. The preliminary plan submitted by the developer, shows a berm and water runoff control. As a condition of final plat approval will include review and approval by the City Engineer of a water control plan.

- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Response (Findings): There will onsite parking and garages to serve the proposed use. The parking requirements will comply with ordinance.

- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Response (Findings): No testimony is presented regarding the creation of any offensive odors, fumes, etc. and does not create an additional disturbance to adjoining property owners. Use as a townhome will not generate offensive odors, fumes, dust, etc.

- F. The use is not in conflict with the policies of the City of La Crescent.

Response (Findings): The use is consistent with the Comprehensive Plan and planning goals of the City of La Crescent. See Finding No. 2 from the Variance Application.

- G. The use will not cause traffic hazards or congestion.

Response (Findings): There are sufficient public access in the area. Townhome development is not anticipated to cause any traffic hazards or congestion. The approval of the townhome in this zoning classification will not cause traffic hazards or congestion.

- H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Response (Findings): Existing uses will not be affected because of this development.

Conditions of Approval:

- A. The Applicant will abide by all representations made by the Applicant or their agents made during the permitting process including their application.
- B. The Applicant complies with all applicable federal, state, and local regulations.
- C. Provide grading and erosion control plan to be reviewed by the City Engineer.

After discussion and review of the proposed Findings, upon roll call vote tallied by the Building Official, all members voted as follows:

Wieser – Yes
Hanifl - Yes
Ludwigson – No
Dockendorff – Yes
Stoecklein - Yes
Larson – Yes

Motion by Hanifl, seconded by Dockendorff to approve the following conditions and findings of fact:

Findings of Fact:

- A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Response (Findings): The use will not be injurious or otherwise impact the existing use of property in the immediate vicinity. No testimony was presented regarding any impairment to an adjoining property's use or value. This is an infill development. No testimony was received that the property should remain in its current condition. The preliminary plat has been provided to the Fire Chief and Fire Marshal who have identified no concerns with public safety. The proposed plat provides sufficient visibility for public safety.

- B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Response (Findings): The development will not impact any orderly development in the area. Any land not already developed is owned by the La Crescent School District and used predominately for athletic fields. There is sufficient access to the property by way of public roads.

- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Response (Findings): Adequate utilities, including sewer and water are currently available. Townhomes are a conditional use in the R1B District. The preliminary plan submitted by the developer, shows a berm and water runoff control. As a condition of final plat approval will include review and approval by the City Engineer of a water control plan.

- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Response (Findings): There will onsite parking and garages to serve the proposed use. The parking requirements will comply with ordinance.

- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Response (Findings): No testimony is presented regarding the creation of any offensive odors, fumes, etc. and does not create an additional disturbance to adjoining property owners. Use as a townhome will not generate offensive odors, fumes, dust, etc.

- F. The use is not in conflict with the policies of the City of La Crescent.

Response (Findings): The use is consistent with the Comprehensive Plan and planning goals of the City of La Crescent. See Finding No. 2 from the Variance Application.

- G. The use will not cause traffic hazards or congestion.

Response (Findings): There are sufficient public access in the area. Townhome development is not anticipated to cause any traffic hazards or congestion. The approval of the townhome in this zoning classification will not cause traffic hazards or congestion.

- H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Response (Findings): Existing uses will not be affected because of this development.

Conditions of Approval:

- A. The Applicant will abide by all representations made by the Applicant or their agents made during the permitting process including their application.
- B. The Applicant complies with all applicable federal, state, and local regulations.
- C. Provide grading and erosion control plan to be reviewed by the City Engineer.

After discussion and review of the proposed Findings, upon roll call vote tallied by the Building Official, all members voted as follows:

Hanifl – Yes
Wieser – Yes
Ludwigson – No
Dockendorff – Yes
Stoecklein - Yes
Larson – Yes

Building Official Wetterlin gave an overview of the Preliminary Plat request.

The Planning Commission discussed the Preliminary Plat request.

Motion by Hanifl, seconded by Dockendorff to approve the Preliminary Plat splitting the lot.

Hanifl – Yes
Dockendorff – Yes
Wieser – Yes

Ludwigson – Yes
Stoecklein - Yes
Larson – Yes

Motion by Stoecklein, seconded by Wieser to reference the following conditions and findings of fact:

1. That all Findings of Fact for the variance and CUP approved are incorporated.
2. The developer show locations of water and sewer connections.
3. The developer provides a grading plan and erosion control plan for city engineer approval.
4. Any utility easements be provided on the plat.
5. All water shut of valves be located on public easements.
6. The applicant abides by all state and federal regulations.

Stoecklein – Yes
Wieser – Yes
Hanifl – Yes
Dockendorff – Yes
Ludwigson – Yes
Larson – Yes

Motion by Wieser, seconded by Hanifl to adjourn the meeting, all members were in favor at 6:15 p.m.