

TO: Planning Commission Members
Honorable Mayor and City Council Members
FROM: Shawn Wetterlin, Building/ Zoning Official
DATE: September 6th, 2017
RE: Meeting Minutes,
Tuesday, September 5th, 2017

The Planning Commission met at 5:30 p.m., on Tuesday, September 5th, 2017 in the City Council Chambers at City Hall. The Following members were present: Donald Smith, Jerry Steffes, Dave Hanifl, Patti Dockendorff, Jason Ludwigson, and Richard Wieser. City Council Member, Brian Krenz, and Building/ Zoning Official, Shawn Wetterlin were also in attendance. Planning Commission Member, Linda Larson was not in attendance.

1. The meeting was called to order by Chairman, Smith. The meeting minutes of August 1st, 2017 were approved as distributed by consensus of all present Planning Commission Members.
2. The Planning Commission held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, September 5th at 5:35 o'clock P.M. to consider the application for a conditional use permit to allow for a Childcare Center to be located in the Central Business District. The conditional use request concerns certain premises situate in said City described as follows, to wit: parcel number 25.025.9000, more commonly identified as First Evangelical Lutheran Church, 400 Main Street, La Crescent, MN.

The Planning Commission held a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, September 5th, 2017 at 5:35 o'clock P.M. to consider text amendment to the zoning ordinance to wit: 12.21 CBD CENTRAL BUSINESS DISTRICT (CBD-1 and CBD-2) Subd. 2. PERMITTED USES K. Places of Assembly

The Public Hearing opened with the applicant presenting their request.

Kurt Abrahamson, 434 Main Street is concerned about water run off issues, would like to see 4-5 less parking spaces along his property (near Main Street) and consider a possible buffer from the parking area.

The Public Hearing was then closed.

Motion was made by Dockendorff, seconded by Hanifl to adjourn and reconvene the CUP and text amendment request at the September 12th at 7:15 in the City Council Chambers.

4. The Planning Commission held a public hearing to review the draft required amendments to Shoreland and Floodplain regulations. Chairman, Smith gave an update on the updating process, and reviewed the draft ordinances, questions were answered. Support was unanimous for the inclusion of text to ensure statutory certainty for owners of small lots and definition of the shoreland boundaries to exclude portions of the Central Business District, Commercial District, and Residential District where the overlay provides a non-justifiable confusion to existing zoning.

5. The Planning Commission of the City Zoning Authority held a public meeting at 6:00 o'clock P.M. to consider an application for the following Variance. Allow for a setback of 40 feet from the Ordinary High Water Line when the Zoning Ordinance, section 12.45, Subd. 3, (page 142) states a setback of 50 feet from the Ordinary High Water Line. The variance request concerns certain premises situate in said City described as follows; parcel # 25.183.000 better known as 790 Shore Acres Road.

The Public Hearing opened with the applicant presenting their request.

The Public Hearing was then closed as no member of the public wished to be heard.

Motion was made by Hanifl, seconded by Wieser to approve the variance request with the following condition:

1. No deck be allowed in the future on the riverside.

Findings of fact:

1. No concerns have been registered from neighbors.
2. The Variance does not make the dwelling more visible from the watershed and is not a projection further into the flow of the river than the more recently remodeled neighboring dwellings which are forward of the applicant's proposed variance.
3. The requested Variance does not alter the essential character of the neighborhood.
4. The DNR expressed no objection to the variance although suggested the City consider requiring a permanent vegetative buffer.

It was noted in discussion that this situation was unusual in that a previous CUP was granted for engineered flood openings at only a 20 foot setback on a structure that was to be remodeled and expanded but not greater than 50% of value. The home was subsequently determined to be of such condition that it was removed to the deck. This outcome removes the great intrusion into the shoreland frontage, keeps in place the previously approved engineered openings, removes a suspect section of foundation wall and resolves a complex situation with favorable outcome for the applicant and better regulatory compliance. The applicant was encouraged to consider the draft shoreland rules and the DNR suggestion of a vegetative strip or back-casting seed into riprap to help filter water draining to the river.

6. The Planning Commission of the City Zoning Authority held a public meeting to consider an application for the following Variances. The variance request concerns certain premises situate in said City described as follows; parcel # 25.0656.000 better known as 614 Shore Acres Road.

1. Allow for a home to be built with the attached garage 49 feet 6 inches in front of the principal dwelling when the Zoning Ordinance, section 12.14, Subd. 6.4 of the Zoning Ordinance (page 52) states, attached garages shall have the same or greater set back from the street as the principal structure.

2. Allow for garage to be 63 percent of the ground floor street-facing linear building frontage when the Zoning Ordinance, 12.14, Subd. 6.3 of the Zoning Ordinance (page 52) states, garages shall not comprise more than 55 percent of the ground floor street-facing linear building frontage.

The Public Hearing opened with the applicant presenting their request.

The Public Hearing was then closed as no member of the public wished to be heard.

Motion was made by Dockendorff, seconded by Wieser to approve the variance request with the following findings of fact:

- a. The request will not alter the essential character of the locality since the accessory structure is designed in a character consistent in design with the home and of similar materials.
- b. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
- c. No concerns have been registered from neighbors.
- d. The City has allowed this Variance in the past, primarily on Shore Acres Road on not typical deep lots where sight lines are not of building edge where the 'garage with house attached' look does not occur and where no alley exists and lots have river frontage.
- e. Since detached accessory structures are permitted in the shoreland overlay district and garages are accessory structures this is a unique circumstance and entitled to variance. An accessory structure would generally overlap the principal dwelling.
- e. The request is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan.

7. The Planning Commission reviewed an existing Condition Use Permit for, 101 South Chestnut Ste C, Apple Auto Sales & Repair.

Planning Commission members Patti Dockendorff, Jason Ludwigson, City Council member, Brian Krenz, and Building Official Shwan Wetterlin will meet and discuss possible options including enforcement of the conditions of the previously granted CUP. Depending on the outcome of those discussion options for the applicant may be identified and if the applicant chooses they may apply for a new Conditional Use Permit with different conditions. All were reminded that the application would be subject to public hearing and discussion of a minority of the committee

should remain without commitment until after an application is presented and a public hearing held.

8. The Planning Commission discussed the timeline for Downtown Plan, Bike Ped, Bluffland, Shoreland and Floodplain Public Hearings. These will be scheduled in conjunction with agendas.
10. The Planning Commission discussed the Special Joint City Council/ Planning Commission meeting that will be held on September 12th at 5:30 in the Community building.
11. Bike Pedestrian Planning and Current Issues including 3rd street redesign; Highway 61 Rumble Strips; and Oak Street

The Planning Commission recommended that the City send a letter to MNDOT regarding the incorrect placement of the recently installed rumble strips and the need for access for bicycles from and to the sidewalks on the West Channel Bridge from the Shoulder on HWY14/61.

The MNDOT has agreed to remove the rumble strips and install mumble strips at the edge of the fog line. They have committed to installing the strips even beyond the contract limits for the rumble strips. They have also committed to improving access and safety east and west bound on the West Channel Bridge.

The concern is that with no committed date that the work might not be completed prior to the end of the 'construction season' and the closure of the asphalt plants.

The MNDOT is to be commended for prompt commitment, at the end of the HWY 14/61 resurfacing, to rectify and improve safety but not getting the work completed this construction season would be inconsistent with those commitments so the City Council is asked to request a specific date by which the committed work will be completed.

Meeting Adjourned at 8:00 p.m.

Respectfully, Shawn Wetterlin