

**I. CALL TO ORDER**

A meeting of the Planning Commission was held on Monday, February 11, 2019, commencing at 5:30 p.m. in the Council Chambers of City Hall. Commissioner Asmus called the meeting to order.

**A. ROLL CALL:**

Chairperson	Shannon Asmus	Present
Commissioner	Michael Flaata	Present
Commissioner	Judy Hudson	Present
Commissioner	Larry Dahl	Present
Commissioner	Eric Mathwig	Present
Commissioner	Jeff Woods	Present
Commissioner	Tom Zens	Present
City Planner	Hannah Rybak	Present

**B. ANNOUNCEMENT OF ADDITIONAL ITEMS – None.**

**II. APPROVAL OF MINUTES**

It was moved by Commissioner Dahl, seconded by Commissioner Mathwig, to approve the minutes of the January 14, 2019, meeting. All members present voted aye.

Motion Carried.

**III. SCHEDULED ITEMS**

**A. CHANGE OF ZONING & VARIANCE REQUESTS – by Mike Braun at 715 E St. Paul St.  
*To rezone from R-3 to I-1; Allow reduction to the minimum required lot size and a reduction in the required corner side yard setback***

City Planner, Hannah Rybak, provided an overview of the request. She reviewed the consistency of the request with the standards for granting a Change of Zoning and a Variance.

3 general findings of fact, and 9 findings of fact for both the change of zoning and the variance request offered by staff were presented to the Commissioners by City Planner Rybak.

Staff recommendation and potential action were reviewed.

Commissioner Flaata asked about who will maintain the snow removal on South Geinitz. It was unclear for certain if the City did any snow removal, but it was thought to be done by Anderson Chemical and Pat Raiber stated he will take care of whatever is not taken care of.

Commissioner Flaata also brought up the issue of when bushes or screening is required, it sometimes is dead in a couple years and not kept up. How do we make sure that it stays maintained? City Planner Rybak said that can be made clearer in conditions added.

Commissioner Asmus wanted to verify that the triangle viewpoint would be okay and City Planner Rybak verified that the buildings will meet front yard setback so that is fine.

Commissioner Amsus opened the Public Hearing.

This being the time, date and place set, with all mailed and published notices given as required by law, the hearing was opened at approximately 5:45 p.m., February 11, 2019, to consider a Change of Zoning and Variance Requests from Mike Braun at 715 E St. Paul St. The request is to change zoning from R-3 to I-1 and to allow a reduction to the minimum required lot size and a reduction to the required corner side yard setback.

An attendance list is on file.

No written comments were received.

Mike Braun and Patrick Raiber were present to answer any questions and explain the request.

Mr. Braun discussed how he plans to keep the lilac bushes alive to keep separation between the properties. He also stated that they will take care of snow removal and road maintenance on their own.

Commissioner Woods asked what the time line is. Braun said they plan to start the first building this spring, with the second to follow once the first is up.

Commissioner Asmus asked Braun if he is okay with the conditions City staff presented and he said he was fine with all six.

Following discussion, no further comments were heard and the hearing was closed at approximately 5:47 p.m.

Commissioner Mathwig made a motion, seconded by Commissioner Dahl, to recommend approval as submitted of the Change of Zoning Request by Mike Braun at 715 E St. Paul St. to change zoning from R-3 to I-1. Upon roll call vote, all members present voted aye.

Motion Carried.

Commissioner Woods made a motion to recommend approval with conditions of the Variance Requests by Mike Braun at 715 E. St. Paul St to allow a five-foot variance to the required minimum side yard setback of twenty feet and a variance of 14,024 square feet from the minimum required lot area of one acre. The conditions are as follows:

1. All necessary permits must be obtained by the applicant.
2. Landscaping and fencing must be installed as shown on the site plan.
3. An eight (8) foot minimum concrete apron must be installed in front of each storage access point.
4. Detailed drainage calculations shall be submitted for review and approval. The calculations are required to show a net decrease in storm water (rate and volume) leaving the site after the improvements are completed compared to existing conditions. In addition, there needs to be a net decrease in phosphorus and total suspended solids leaving the site in the storm water.
5. Final construction plans for the project shall be submitted for review and approval.

6. The removal or relocation of any existing utility shall be coordinated with the appropriate utility company.

This motion was seconded by Commissioner Dahl. Upon roll call vote, all members present voted aye.

Motion Carried.

***B. CONDITIONAL USE REQUEST – by First District Association***

*To allow construction of a parking lot on residentially zoned property bounded by South Austin Ave, Evergreen Park Blvd, West Darwin St, and South Swift Ave*

City Planner, Hannah Rybak, provided an overview of the request. She reviewed the consistency of the request with the standards for granting a Conditional Use Request.

10 findings of fact offered by staff were presented to the Commissioners by City Planner Rybak.

Staff recommendation and potential action were reviewed.

Commissioner Mathwig asked if it would be possible to place a 4-way stop at South Austin and West Darwin to help patrol traffic. City Planner Rybak said that she could check with the City Engineer.

Commissioner Flaata asked if there would be a crosswalk light on both sides of South Swift. City Planner Rybak said she hadn't received those plans yet but by signals on the plans she has, she is thinking yes there will be.

Commissioner Asmus questioned why access to the parking lot are on side streets and not off of South Swift. City Planner Rybak stated that is the applicant's design and there were no engineering or traffic issues having them on the side streets. Asmus asked if the side roads are adequate to handle the additional traffic. Rybak stated they are.

Commissioner Asmus confirmed there will be a sidewalk across the entire east side and north side, but questioned why the sidewalk on the south side only went from the parking lot entrance to South Swift. City Planner Rybak stated that it was found to have no value to extend it across the entire south side.

Commissioner Asmus asked if everyone who was to be legally notified was. City Planner Rybak said that yes, notices were mailed out to anyone within 350' of the property and the hearing notice was also published in the Public Notices section of the newspaper.

Commissioner Asmus asked what assurance the neighbors have that the angle of the lighting in the parking lot will not be a nuisance. City Planner Rybak explained that there are no lighting requirements in the City Ordinance, it just states that the lighting can't be angled towards the neighbors and that the applicant is aware of this.

Commissioner Dahl asked why he didn't receive a notice of hearing when neighbors around him did.

Commissioner Asmus stated he wants reassurance from staff that the hedges will be maintained. City Planner Rybak said that an additional condition could adequately address that. Asmus wants

to make sure there is no misunderstanding with First District Association that that needs to be done. Rybak said if any staff, neighbor, or commissioner sees something isn't done, First District will be notified that they are in violation of the Conditional Use and will need to correct it.

Commissioner Mathwig asked if there is any way to dictate what color of lighting can be used. Commissioner Asmus said that we can dictate that here. City Planner Rybak explained that on a Conditional Use Permit, the Commission can impose conditions they feel fit, provided the City Attorney sees no issue. She said the list of conditions she has suggested can be altered, added to, or removed.

Commissioner Asmus opened the public hearing.

This being the time, date and place set, with all mailed and published notices given as required by law, the hearing was opened at approximately 6:14 p.m., February 11, 2019, to consider a Conditional Use Request from First District Association to allow construction of a parking lot on residentially zoned property bounded by South Austin Ave, Evergreen Park Blvd, West Darwin St, and South Swift Ave.

An attendance list is on file.

No written comments were received.

Loureen Larson, resident at 217 S Austin, asked if there will be any commercial vehicles using the parking lot. It was clarified that this is employee parking only.

Fred Rau, resident at 404 Evergreen Park, expressed several concerns. His first concern is property value. He is also concerned about light pollution and deciduous plants. He would like to see evergreen shrubs to help filter out more light year round. He would also like to see the hedge extended to go east along Evergreen Park. Rau expressed concern about the loss of three affordable homes. He asked about a sidewalk across the railroad tracks that was mentioned in the past. He also questioned if the access could be off of South Swift instead of Evergreen Park Blvd.

Elaine Besonen, resident at 428 Evergreen Park, stated that she is here to support Fred as he will be the most affected by this. She expressed concern that this is a pathway to commercial use. Commissioner Asmus explained to her that this is a conditional use to be used only as a parking lot. She agreed with Fred that access should be on South Swift. She has concern about decreased property values, loss of heritage and loss of affordable housing. She explained that she would be in support of this if it was for a hospital, school, a non-profit organization, something that benefited the whole community.

Jeff Norlin, resident at 412 Evergreen Park, expressed concern about the access being off of Evergreen Park. He asked if there was added elevation to the west side to diffuse lights. City Planner Rybak said not to her understanding. Norlin said he is all for lighting and safety in the parking lot but would like to see it diffused somehow.

Troy Gassman and Russ Albrecht, representing First District Association, presented their lighting plan and explained how they have addressed lighting pollution concerns.

Albrecht explained how access would be less intrusive and disruptive to South Swift as they have it presented, but they could work out two accesses off of South Swift. They could make it directional, one in and one out.

Commissioner Asmus asked about crosswalk lighting and Albrecht confirmed it will be signal lighting where you push a button and the light flashes.

Commissioner Mathwig asked if a berm would be possible as an option to help block light. Albrecht asked the Planning Commission what their opinion of a fence would be, something aesthetically pleasing. The residents would prefer landscaping. Commissioner Asmus asked what First District thought about evergreen trees and Albrecht said First District is not opposed to evergreen trees. That seems to be what the neighbors want.

Following discussion, no further comments were heard and the hearing was closed at approximately 6:39 p.m.

The Planning Commission discussed, reviewed, and modified the list of suggested conditions.

Condition 1 was agreed upon as suggested.

Condition 2 was modified to include that shrubs shall be of an evergreen variety and spaced to provide 100% screening of the parking lot upon planting. This was especially true on the north and south ends of the parking area. It was also discussed that since this area was named "Evergreen Park" the evergreens would be a nice addition and was agreed with by First District.

A condition was added after Condition 2, numbered as Condition 3, to read "If any of the shrubs intended for screening do not thrive upon being planted, or are damaged in any way, they must be immediately replaced.

Condition 4 was agreed upon as suggested. Everyone understands FDA plans have been reviewed by their engineer and the City Engineer will also review. Both Jeff Norlin (neighbor) and Eric Mathwig (Commissioner) are retired law enforcement and understand light is necessary for the safety of people but also understand there are many different types of light.

Conditions 5 – 11 were agreed upon as suggested.

Condition 12 was modified to include "at least" one water main line may remain to provide for irrigation of the landscaping.

Conditions 13-15 were agreed upon as suggested.

An additional condition, number 16, was added to read "Access to the parking lot shall be relocated to South Swift Avenue. Relocation must be approved by the City Engineer."

Commissioner Dahl made a motion, seconded by Commissioner Flaata, to recommend approval with conditions of the Conditional Use Request from First District Association to allow construction of a parking lot on residentially zoned property bounded by South Austin Ave, Evergreen Park Blvd, West Darwin St, and South Swift Ave. The conditions are as follows:

1. Trees shown on the site plan that was approved with the 2017 dryer variance must be planted along with this project. (*11 trees shown on plan along South Swift Ave. between West Ripley*

*St. and West Darwin St., 5 exist. 7 trees shown on plan along West Ripley St. between South Swift Ave. and vacated South Miller Ave., 1 exists)*

2. Landscaping shown on current site plan must be planted as shown. Shrubs shall be of an evergreen variety and spaced to provide 100% screening of the parking lot upon planting.
3. If any of the trees or shrubs intended for screening do not thrive upon being planted, or are damaged in any way, they must be immediately replaced.
4. Parking lot lighting systems must be installed and directed away from neighboring residential properties.
5. Detailed drainage calculations shall be submitted for review and approval prior to construction.
6. All necessary permits shall be obtained by FDA.
7. Final construction plans and a Storm Water Pollution Prevention Plan (SWPPP) for the project shall be submitted for review and approval.
8. All sidewalk constructed in City right-of-way must be ADA compliant.
9. All bituminous street areas and sidewalk areas disturbed shall be replaced utilizing a pavement/sidewalk section that matches the existing street/sidewalk. Also, any curb and gutter disturbed along the street should be replaced to match the existing curb and gutter.
10. NPDES Construction Storm Water Permit shall be obtained for the project.
11. The removal of all existing utilities shall be coordinated with appropriate utility companies.
12. Removal/abandonment of existing sewer and water services within the property shall be done per City standards and coordinated with the City. Water service may remain to provide for irrigation of the landscaping.
13. Details on proposed crosswalk pavement markings shall be provided with construction plans.
14. Details on the proposed pedestrian signals shall be submitted for review and approval. FDA will be responsible for all operation, maintenance and replacement of the signals.
15. Any damage to adjacent streets, sidewalks and curb and gutter as a result of construction shall be corrected by FDA.
16. Access to the parking lot shall be relocated to South Swift Avenue. Relocation must be approved by the City Engineer.

Upon roll call vote, all members present voted aye.

Motion Carried.

**C. VARIANCE REQUEST – by First District Association at 101 South Swift Ave**  
*To allow a reduction to the minimum number of parking stalls required*

City Planner, Hannah Rybak, provided an overview of the request. She reviewed the consistency of the request with the standards for granting a Variance Request.

9 findings of fact offered by staff were presented to the Commissioners by City Planner Rybak.

Staff recommendation and potential action were reviewed.

This being the time, date and place set, with all mailed and published notices given as required by law, the hearing was opened at approximately 6:53 p.m., February 11, 2019, to consider a Variance Request from First District Association to allow a reduction to the minimum number of parking stalls required.

An attendance list is on file.

No written comments were received.

The hearing was closed at approximately 6:54 p.m.

Commissioner Flaata made a motion, seconded by Commissioner Dahl, to recommend approval of the Variance Request as submitted from First District Association at 101 South Swift Ave to allow a reduction to the minimum number of parking stalls required. Upon roll call vote, all members present voted aye.

Motion Carried.

**IV. NEW BUSINESS**

**V. OLD BUSINESS**

**VI. ADDITIONAL ITEMS**

**VII. SET HEARING DATES AND TIMES**

There are currently no items submitted for the March meeting, but several possibilities that may come in. The next scheduled meeting is Monday, March 11, at 5:30 p.m. Commissioner Hudson stated she will not be able to attend the March meeting.

**VIII. REVIEW OF COUNCIL ACTIONS**

**A. VARIANCE REQUEST GRANTED - by Gerald Kratz at 321 E Lockerbie**  
*To allow for house addition*

**B. TAX PARCEL SPLIT REQUEST GRANTED – by Mike Braun at 405 S Geinitz**

**IX. ADJOURNMENT**

Commissioner Asmus adjourned the meeting at 6:59 p.m.

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Hannah Rybak  
City Planner