

**I. CALL TO ORDER**

A meeting of the Planning Commission was held on Monday, July 13, 2020, commencing at 5:30 p.m. in the Council Chambers of City Hall. Chairperson 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
City Administrator	David Cziok	Present

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

**II. APPROVAL OF MINUTES**

It was moved by Commissioner Dahl, seconded by Commissioner Woods, to approve the minutes of the June 8, 2020 meeting. All members present voted aye.

Motion Carried.

**III. SCHEDULED ITEMS**

**A. PUBLIC HEARINGS:**

- CHANGE OF ZONING REQUEST & SITE PLAN REVIEW** – by David Tysk, *Litchfield Opportunity Zone, at PID 27-2878010 to change zoning from R-1, Single Family to R-3, Multi-Family Residence*

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. Rybak then reviewed and explained the site plan submitted for this property.

No written comments were received.

11 findings of fact offered by staff in packet.

Staff recommendation and potential action were reviewed.

Commissioner Asmus asked if City Planner Rybak could explain the berm a little more. Rybak said she would let the applicant go into more detail.

Commissioner Flaata questioned if the City requested the roads in the development be private. City Planner Rybak stated that is the applicant’s request. Commissioner Asmus asked if the

applicant is then responsible for maintaining the roads, to which Rybak stated he is. Asmus then asked if the width of the roads is standard size. City Administrator, Dave Cziok, responded that the road width is not to typical City road width standard.

Commissioner Asmus asked if there is enough barrier between the single-family housing on Cottonwood Avenue and the multi-family housing in the development. City Planner Rybak said in her opinion between the existing tree line and the proposed added trees there is enough.

Commissioner Flaata asked City Planner Rybak if the Commission can request for overflow parking. Rybak responded they can.

Commissioner Asmus asked for clarification if there is only one access onto County Road 34, to which Rybak confirmed. Commissioner Flaata commented with the site plan as presented, there is no access to 7<sup>th</sup> Street which Rybak also confirmed. Commissioner Hudson questioned if it is a safety issue only having one access into the development. City Planner Rybak said that would be more of an engineering and/or County issue.

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 5:52 p.m., July 13, 2020, to consider a Change of Zoning request and site plan review by David Tysk, with Litchfield Opportunity Zone, Inc, at PID 27-2878010, to change the zoning from R-1, Single-Family to R-3, Multi-Family Residence.

David Tysk, with Litchfield Opportunity Zone, Inc, addressed the Commission and explained his request.

Commissioner Dahl asked Tysk if he was willing to go up to 96 parking spaces. Tysk responded that he and his partner felt going that high is not needed, costs more money, and takes away green space.

Commissioner Woods asked Tysk about his thoughts on overflow parking. Mr. Tysk said if they must add more parking, it would basically mean going back to the drawing board. He would prefer to do it in a collaborative way and work with City Staff on it versus being told a number he had to have. Discussion continued on parking between the Commission and Mr. Tysk.

Commissioner Asmus asked Mr. Tysk to describe the berm proposed. Tysk described the berm as being twenty-four (24) feet wide with a 3:1 slope bringing the height to four (4) feet.

Commissioner Flaata expressed concern on there being no access to the City for walking and biking aside from going on County Road 34. Mr. Tysk explained a couple access points that are existing, but that there is nothing official. He stated he can't plan anything without knowing what the City's plan is with 10<sup>th</sup> Street.

Commissioner Hudson asked if there are going to be any sidewalks, to which Tysk confirmed there are not.

Discussion was held on the width of the proposed streets.

Commissioner Asmus asked Mr. Tysk if there was plan to have a turn lane on County Road 34. Mr. Tysk said he has been given permission to have the access but doesn't yet know what will be required.

Mr. Commissioner Woods asked if there is a concept plan for the land to the north of this parcel. Tysk said not at this time. The proposed project is about a 4-6 year plan, starting with the apartment complexes first.

Commissioner Zens asked Mr. Tysk what his maximum space for parking he would go, and Tysk responded with ninety (90) spaces. Zens commented that it is only six (6) off from using the one space per bedroom calculation.

Commissioner Asmus asked how wide the parking spaces would be. Tysk said he wasn't certain but they should be standard size. City Administrator Cziok clarified the plan shows ten (10) feet wide by eighteen (18) feet deep.

Commissioner Flaata expressed that he struggles with the width of the private road being only twenty-four (24) feet wide. City Administrator Cziok said the East-West road off of County Road 34 is thirty (30) feet in width and the others are twenty-four (24). Tysk said there shouldn't be a parking issue on the areas twenty-four (24) feet wide as the townhomes and villas have long driveways and garages for parking. The road in front of the apartments is thirty (30) feet wide. He also stated the width of the access off County Road 34 is what is required.

No further comments were heard and the hearing was closed at approximately 6:30 p.m.

Commissioners held discussion on the number of parking spaces. Commissioner Dahl felt that ninety spaces is a reasonable number and it's not worth getting the deal caught up over six additional spaces.

More discussion was held on the width of the roads. Commissioner Flaata is comfortable with the width as long as there is no parking on the roads. He would also like to see a way for walking and biking access out of the development. City Administrator Cziok said that is something that the City and the applicant can work together on and not something we would need up front. Some things can change as the project goes along.

Commissioner Hudson made a motion, seconded by Commissioner Zens, to recommend approval, as submitted, of the Change of Zoning request by David Tysk, with Litchfield Opportunity Zone, Inc, at PID 27-2878010, to change the zoning from R-1, Single-Family to R-3, Multi-Family Residence. All members present voted aye.

Motion Carried.

A motion was made by Commissioner Hudson, seconded by Commissioner Dahl, to approve the site plan request subject to the following conditions:

1. Any alterations to the site plan shall be submitted to City Staff for determination on whether they are minor or major.
2. Any major alteration shall require a site plan amendment, with review by the Planning Commission and City Council.
3. The total parking on site for the apartment buildings must be increased to ninety (90) total spaces.

4. Upon planting, the evergreen trees shall be at least eight (8) feet in height.
5. Final construction plans and specifications shall be submitted to the City for review and approval. All improvements must be completed to City standards.
6. Storm water calculations shall be submitted to the City for review and approval. There shall be a net decrease in storm water (rate, volume, TSS and phosphorus) leaving the site after construction compared to the existing conditions for the 2-year, 10-year and 100-year rainfall events.
7. The developer will be responsible for obtaining a permit from Meeker County for the access connection to CSAH 34. In addition, the developer will be required to complete any necessary improvements to CSAH 34 as a result of the access and requirements by the County. Also, the developer shall confirm that the existing field entrance adjacent to the proposed access will be removed as part of the project.
8. The existing wetland areas shall be shown on the plans. In addition, the developer will be responsible for any permitting associated with any wetland impacts resulting from the improvements.
9. The sanitary sewer and watermain shall be extended to the limits of the property to allow for future expansion. In addition, the sanitary sewer shall be extended at minimum grade and the watermain will need to be looped to the 10th Street watermain in the future.
10. As the sanitary sewer extends south from the future 10th Street location, the first section is indicated to be 10-inch diameter pipe. Please clarify the intent of using 10-inch pipe in this area rather than 8-inch pipe.
11. The developer shall be responsible for all permits required for the development (NDPES Construction Storm Water Permit, Minnesota Department of Health, MPCA Sanitary Sewer Extension, etc.).

All members present voted aye.

Motion Carried.

**2. VARIANCE REQUEST** – *by James Ellingson & Megan Kalina at 30 S Fuller Avenue*  
*To allow a one and one half (1 ½) foot variance to the front 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 variance.

No written comments were received.

Staff recommendation and potential action were reviewed.

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

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 6:50 p.m., July 13, 2020, to consider a Variance request by James Ellingson and Megan Kalina at 30 S Fuller Avenue to allow a variance of one and one half (1 ½) feet to the front yard setback to allow for construction of a front porch.

James Ellingson and Megan Kalina were present to explain their request and answer any questions.

No further comments were heard and the hearing was closed at approximately 6:54 p.m.

Commissioner Dahl made a motion to recommend approval, as submitted, of the Variance request by James Ellingson and Megan Kalina at 30 S Fuller Avenue to allow a variance of one and one half (1 ½) feet to the minimum required front yard setback to allow for construction of a front porch. This motion was seconded by Commissioner Woods. All members present voted aye.

Motion Carried.

3. **CONDITIONAL USE PERMIT REQUEST** – *by Rick Rossow at 315 E 10<sup>th</sup> Street*  
*To allow moving an existing structure older than 10 years old onto the property*
  
4. **CONDITIONAL USE PERMIT REQUEST** – *by Rick Rossow at 1012 N Armstrong Avenue*  
*To allow moving an existing structure older than 10 years old onto the property*
  
5. **CONDITIONAL USE PERMIT REQUEST** – *by Rick Rossow at 616 N Ramsey Avenue*  
*To allow moving an existing structure older than 10 years old onto the property*
  
6. **CONDITIONAL USE PERMIT REQUEST** – *by Rick Rossow at 525 N Miller Avenue*  
*To allow moving an existing structure older than 10 years old onto the property*

City Planner, Hannah Rybak, provided an overview of all four of the Conditional Use Requests by Rick Rossow. She reviewed the consistency of the request with the standards for granting a conditional use permit.

No written comments were received.

Staff recommendation and potential action of each request were reviewed.

The findings of fact offered by staff on each request were presented to the Commissioners by City Planner Rybak.

Commissioner Dahl asked if the plan was to relocate all four houses at once or do one at a time. City Planner Rybak said in the interest of the City, there will be timelines in place for each project in a Conditional Use Agreement before City Council approval on the requests.

Commissioner Asmus expressed concern about the six-month completion time-line considering it is already July. Rybak explained the six months begins when the building permit is issued. She said she has not heard the applicant's timeline.

Commissioner Asmus said that he is not understanding the Certificate of Occupancy in City standards. City Planner Rybak explained it is something the Building Official issues after everything meets MN State Building Code.

Commissioner Asmus opened the Public Hearing, holding one hearing for all four requests.

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 7:20 p.m., July 13, 2020, to consider Conditional Use Permit requests by Rick Rossow at 315 E 10<sup>th</sup> Street, 1012 N Armstrong Avenue, 616 N Ramsey Avenue, and 525 N Miller Avenue to allow moving existing structures older than ten years old onto each of the properties.

Sue Dege, attorney for the applicant, Rick Rossow, spoke on his behalf. She commented that Rossow's current properties have had no violations of any significance in the last year. He is now retired and has more time to focus on his own projects.

Commissioner Woods asked Attorney Dege if she has been working with the City Attorney and will continue to do so, to which she responded yes.

Commissioner Dahl commented that Rick Rossow's property on the 300 block of North Austin Avenue has been vacant for nearly 13 years and asked if it was even habitable. Attorney Dege stated that it is.

Attorney Dege explained to the Commission that having a Conditional Use Agreement in place will give comfort to the City as it will be enforceable.

Commissioner Asmus asked if Rossow's plan is to sell the properties once complete. Attorney Dege stated the intent is to sell, however, they may be rented for a time depending on the market.

Commissioner Zens asked if there is an order to the projects. Attorney Dege explained the first project would be 315 E 10<sup>th</sup> Street, followed by 525 N Miller Avenue. 1012 N Armstrong Avenue and 616 N Ramsey Avenue would be done third and fourth as they require more construction work than the first two.

Attorney Dege made a request to encourage the Commission not to look at past history with Mr. Rossow.

No further comments were heard and the hearing was closed at approximately 7:34 p.m.

Commissioner Woods commented that he liked that the properties included garages.

Commissioner Zens stated that the City recognizes Mr. Rossow's history and they want to protect themselves against unnecessary issues. With the Conditional Use Permit Agreement, between the attorneys, they will agree on all conditions to be met. With a CUP Agreement in place, he does not oppose to these projects happening. He hopes the City will take action to address any issues along the way. Commissioner Dahl expressed support of Commissioner Zens's comments.

Commissioner Flaata commented that the City needs to follow through on the deadlines that will be in the CUP Agreement. Commissioner Hudson stated that a Certificate of Occupancy cannot

the be issued until everything is complete and to code. The homes cannot be rented or sold until CO is issued.

Commissioner Asmus said in the past there was negligence from the City and the homeowner. He commented the only change since the applicant's last house move is that he's now retired. He doesn't feel that means he will spend more time on the current projects. Commissioner Zens responded that he will have specific deadlines to follow with these. Asmus commented that the applicant's track record shows that nothing is taken seriously unless there's enforcement.

the City Administrator Cziok explained to the Commission that they have the opportunity to table requests until the next meeting. He said that potentially some angst could've been resolved had the CUP Agreement been in place prior to tonight's meeting, but there's no guarantee that it would be ready for next month's meeting either. Cziok continued to explain that everything will be ironed out by the attorneys and City Planner Rybak will be enforcing all deadlines.

Commissioner Asmus reopened the Public Hearing at approximately 7:51 p.m. to hear resident comments that were missed in the first hearing.

Gaye Rollins, resident at 310 E 10<sup>th</sup> Street, wanted to know where the driveway was going to be for 315 E 10<sup>th</sup> Street, on 10<sup>th</sup> Street or North Armstrong. When clarified it would be E 10<sup>th</sup> Street, she expressed concern about there already being enough issues with the school being on the same block. Rollins also expressed concern about the current state of the lot at 315 E 10<sup>th</sup> Street. She said Rossow started taking trees and brush down back in April and there's brush piles and trees that still need to come down. She's concerned about the length of time on his project.

the Corky Rollins, also a resident at 310 E 10<sup>th</sup> Street, asked if two houses were going on the one lot at 315 E 10<sup>th</sup> Street. Commissioner Asmus explained that one house would be on that lot and second on a lot north of there at 1012 N Armstrong Avenue.

Joann Leaf, resident at 325 E 10<sup>th</sup> Street, asked how the City will enforce the agreement and wondered if there would be fines for not meeting deadlines. Commissioner Asmus explained the attorneys will work out those details.

Tonya Bruggman, resident at 1006 N Armstrong, questioned where the driveway would be placed at 315 E 10<sup>th</sup> Street because her driveway is along the property line. Attorney Dege explained it will not be right next to Bruggman's, but parallel to it. Rybak clarified there is a five (5) foot setback requirement for driveways, so the driveways will actually be approximately fifteen (15) feet apart.

No further comments were heard and the hearing was closed at approximately 7:56 p.m.

After discussion, Commissioner Mathwig made a motion to recommend approval of all four Conditional Use Permit requests, with conditions, contingent on a Conditional Use Permit Agreement coming back to the Planning Commission for review. This motion was seconded by Commissioner Woods. All members present voted aye.

Motion Carried.

\*Commissioner Hudson excused herself for the remainder of the meeting.

#### **IV. NEW BUSINESS**

**A. TAX PARCEL SPLIT REQUEST – by *First District Association at 101 S Swift Avenue***

City Planner, Hannah Rybak, explained the request, outlining the staff report that was included in the packet.

Doug Anderson, representing First District Association, was present to explain the request and answer any questions.

After discussion, Commissioner Woods made a motion to recommend approval, as submitted, of a Waiver of Subdivision Regulations for a tax parcel split at 101 S Swift Avenue. This motion was seconded by Commissioner Dahl. All members present voted aye.

Motion Carried.

**B. PARKING LOT SITE PLAN REVIEW – by *First District Association/St Pauls Lutheran Church***

City Planner, Hannah Rybak, gave the Commission an overview of the parking lot site plan.

Commissioner Asmus asked about the shared stormwater infrastructure and who would be responsible for repairs. City Planner Rybak said that would be figured out between the two property owners and recorded.

Doug Anderson, representing First District Association, explained they're currently in conversation with the church of stormwater ownership and agreement. There will be an easement for use and First District Association has agreed to maintain it. St Pauls Lutheran Church will be responsible to replace it at the end of its life. He also explained that First District Association does not need use of Ramsey Avenue anymore.

Allan Thorp, representing St Pauls Lutheran Church, explained that First District Association has been a good neighbor. He said the congregation is in favor of the new plan and the church is okay with vacating Ramsey Avenue.

Following discussion, Commissioner Dahl made a motion to approve the parking lot site plan review request by First District Association and St Pauls Lutheran Church, subject to the following conditions:

1. Actual construction must be in substantial conformance with the approved site plan.
2. 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.
3. All sidewalk constructed in City right-of-way must be ADA complaint.
4. A NPDES Construction Storm Water Permit shall be obtained for the improvements and all requirements, including inspections, of the permit shall be followed.
5. The appropriate signage shall be provided in the parking lot to guide traffic.
6. The removal of any existing utilities shall be coordinated with the appropriate utility company.
7. Any damage to the adjacent streets as a result of the construction will need to be corrected.
8. All work in the Sibley Avenue (TH 22) right-of-way shall be reviewed and permitted by MnDOT.
9. The plan includes changing Ramsey Avenue to a one-way street with diagonal parking along the west side of the street, which changes the functionality of the street. Additional discussion and review will be necessary for the proposed change.

10. The existing utilities within the alley will need to be protected during construction or relocated.
11. Since the alley is essentially being used as part of the parking lot, snow removal and future maintenance and repair will need to be discussed and reviewed further.
12. The storm sewer systems for FDA and the new church parking lot are combined. It should be clarified on who will be responsible for future maintenance, repair, and replacement of the shared storm sewer facilities.

This motion was seconded by Commissioner Flaata. All members present voted aye.

Motion Carried.

**C. DISCUSSION ON APPLICATION DEADLINE**

City Planner Rybak explained to the Commission how she felt they need to extend the application deadline from three weeks prior to the meeting to one month. Applicants seem to wait until the last day to submit their information so this will allow her more time to review and prepare the requests. All Commissioners present were in agreement to change the deadline to a month before the meeting.

City Planner Rybak requested that any engineering or building specific questions the Commissioners might have on a request be submitted to her ahead of time so adequate responses can be provided at the meeting.

**V. OLD BUSINESS**

**VI. ADDITIONAL ITEMS**

**VII. SET HEARING DATES AND TIMES**

The next scheduled meeting is Monday, August 10, 2020, at 5:30 p.m., however it is uncertain at this time if there will be any items for the agenda.

**VIII. REVIEW OF COUNCIL ACTIONS**

- A. VARIANCE REQUEST GRANTED** – by Bradley & Jennifer Kusler at 615 Northridge Drive  
*To allow a seven (7) foot variance to the side yard setback*
- B. VARIANCE REQUEST GRANTED** – by Thomas Torkelson at 802 Estates Avenue  
*To allow a two (2) foot variance to the corner side yard setback*
- C. VARIANCE REQUEST GRANTED** – by Jeremy & Keri Bischof at 704 W 7<sup>th</sup> Street  
*To allow a two (2) foot variance to the side yard setback*
- D. CHANGE OF ZONING REQUEST GRANTED** – by Peter Balbo at 403 E Ripley Street  
*To change zoning from I-2 to R-2*

**IX. ADJOURNMENT**

Commissioner Asmus adjourned the meeting at approximately 8:40 p.m.

---

Hannah Rybak  
City Planner