

**City of Mayer**  
**Special**  
**Planning Commission Meeting**  
Meeting Minutes  
Tuesday, October 2, 2012

**Commission Members Present:** Tom Stifter, Bill Michel, Rod Maetzold, Les Hahn, Don Wachholz, Krista Goedel and Council Liaison Bruce Osborn.

**Commission Members Absent:**

**Others Present:** Terry Hartman, James Gravelle, Jon Maetzold, and Phil Johnson

**Staff Present:** Cynthia Smith-Strack, Municipal Development Group, Luayn Murphy, City Administrator

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**CALL MEETING TO ORDER**

Meeting called to order at 6:30 PM by Chair Stifter.

**ADOPT AGENDA**

On a motion by Commissioner Wachholz and seconded by Commissioner Hahn to approve the agenda. Motion carried 7/0.

**APPROVAL OF MINUTES**

On a motion by Commissioner Maetzold and seconded by Commissioner Hahn to approve the minutes of the September, 2012 meeting. Motion carried 7/0.

**PUBLIC HEARING ON AMENDMENT TO TITLE XV SECTION 152.059**

Public hearing was opened at 6:35 to take testimony on a text amendment to the 152.059 section of the code. Planner Cynthia Smith-Strack explained that from time to time the City will need to address issues that arise that were not addressed when the original code was adopted or they may change as the community's needs change.

Section 152.059 of the City Code provides for the C-2 Central Business District within the City of Mayer. For unknown reasons, the C-2 District (like most other districts) doesn't provide for specific conditional uses. In addition, some existing uses including convenience stores and gas stations are allowed in the C2 District as permitted uses. As such, the uses are non-conforming and can't be expanded.

Furthermore, although specific conditional uses aren't specified in individual district; the concept of allowing conditional uses is provided within the code. For example, a conditional use is defined in the code as *"A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration in each case of the impact of such use upon neighboring land, and the public need for the particular use at the particular location, such conditional use may or may not be granted"*. In addition, Section 152.155 provides for the issuance and administration of conditional use permits.

The City previously received a request for site plan approval for a convenience store/gas station in the C-2 District. Since the use is existing, but not provided for the City's Planning Commission has directed the preparation of an ordinance amendment for consideration by the Commission and City Council.

To those ends Ordinance 186 entitled "An Ordinance Amending Title XV: Land Usage, Chapter 152, Zoning, Section 152.059 of the City Code by Adding Subsection (D) Relating to Conditional Uses in the C-2 Central Business District" has been prepared for public consideration.

The proposed ordinance would allow convenience/gas stores, minor automobile repair stations, mixed residential and commercial uses and parking lots in the CBD if a conditional use permit was issued. Ordinance 186 proposes specific criteria for the proposed conditional uses. In addition, please note the following definitions are applicable:

*AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work and major painting service. (NOTE: NOT INTENDED AS A CONDITIONAL USE IN CBD UNDER PROPOSED ORDINANCE 186).*

*AUTOMOBILE REPAIR, MINOR. Incidental repairs, replacement of parts, and motor service to motor vehicles but not including any operation specified under "automobile repair shop, major." (NOTE: IS INTENDED AS A CONDITIONAL USE IN CBD UNDER PROPOSED ORDINANCE 186)*

**AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 152, ZONING, SECTION 152.059 OF THE CITY CODE BY ADDING SUBSECTION (D), RELATING TO CONDITIONAL USES IN THE C-2 CENTRAL BUSINESS DISTRICT.**

TO PROVIDE FOR THE PUBLIC SAFETY, HEALTH, AND WELFARE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYER THAT TITLE XV OF THE MAYER CITY CODE, SECTION 152.059 SHALL BE AMENDED BY ADDING THE FOLLOWING SUBSECTION:

(D) *Conditional uses.* The following uses may be permitted after issuance by the City of a conditional use permit:

- (1) Convenience Store with gasoline, provided that:
  - (a) The sale of food items is in compliance with state and county standards.
  - (b) Motor fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
  - (c) Wherever fuel pumps are to be installed, pump islands shall be installed.
  - (d) An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
- (2) Mixed use of a Permitted Use and multiple-family residential dwelling units; but only if at least 50% of the interior square footage (exclusive of the basement or cellar) is used full time for a Permitted Use, and said permitted and residential uses are not conflicting.
- (3) Parking of vehicles; need not be enclosed.

- (4) Auto Repair, Minor establishments provided all storage is completely enclosed and no items are stored outside.

No public comment public hearing was closed at 6:45 PM.

On a motion by commissioner Stifer and seconded by Commissioner Hahn to recommend the following ordinance to the City Council. Motion carried 7/0.

- (1) Convenience Store with ~~gasoline~~ **vehicle fuel**, provided that:

(a) The sale of food items is in compliance with state and county standards.

(b) ~~Motor~~ **Vehicle** fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access ~~gas pumps~~ **fueling stations** and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by ~~motor~~ **automotive** fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.

(c) Wherever ~~pumps~~ **fueling stations** are to be installed, ~~pump~~ **station** islands shall be installed.

(d) An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

- (2) Mixed use of a Permitted Use and multiple-family residential dwelling units; but only if at least ~~50%~~ **25%** of the interior square footage (exclusive of the basement or cellar) is used full time for a Permitted Use, and said permitted and residential uses are not conflicting.

- (3) Parking of vehicles; need not be enclosed.

- (4) Auto Repair, Minor establishments provided all storage is completely enclosed and no items are stored outside.

#### PUBLIC HEARING CONDITIONAL USE PERMIT

The public hearing was opened at 6:35 PM. Jim Gravelle raised concerns about his property being blocked from sunlight. Phil Johnson Architect for the applicant stated that the height of the building is not changing no impact on Mr. Gravelle's ability to capture the same amount of sun that he does now. No other comments from the public Chair Stifter closed the Public hearing at 7:15 PM.

Plans have been submitted to remodel and expand an existing structure located at 308 Ash Avenue North, which is located in the C-2 Central Business District. The structure proposed to be remodeled and expanded has been used for storage and office space and would be converted into the new automobile service station/convenience store. The other structure on the parcel, where the current automobile service station/convenience store is located, would be moved to a parcel owned by the applicant just south of this site which is also located in the C-2 district. That structure would be remodeled and be used for retail/restaurant space which is a permitted use in the C-2 district.

Upon receipt of a request for site plan approval it was noted a convenience store/gas station was not permitted in the CBD although one was in existence. In fact, it was noted there were no conditional uses included in the City Code relative to the CBD.

To provide for the existing and desired use, the City considered an amendment to the City Code providing for conditional uses within the C-2 Central Business District, including convenience/gas stores. In anticipation of action on that Code amendment, a public hearing notice has been published in the official newspaper relating to the issuance of a conditional use permit for a convenience/gas store at the aforementioned address.

On a motion by Commissioner Hahn and seconded by Commissioner Maetzold the Conditional Use Permit is issued with the following conditions:

Proposed conditions for approval are as follows:

- (a) The sale of food items is in compliance with state and county standards.
- (b) Vehicle fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access fueling station and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by automotive fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
- (c) Wherever fueling stations are to be installed, station islands shall be installed.
- (d) An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

Motion carried 7/0.

#### **SITE PLAN FOR 308 ASH AVENUE NORTH**

Plans have been submitted to remodel and expand an existing structure located at 308 Ash Avenue North, which is located in the C-2 Central Business District. The structure proposed to be expanded has been used for storage and office space and would be converted into the new automobile service station/convenience store. The other structure on the parcel, where the current automobile service station/convenience store is located, would be moved to a parcel owned by the applicant just south of this site which is also located in the C-2 district. That structure would be remodeled and be used for retail/restaurant space which is a permitted use in the C-2 district.

At this time the current use of the automobile service station is not listed as a permitted use in the C-2 district. The definition of an automobile service station in the zoning code is:

Plans have been submitted to remodel and expand an existing structure located at 308 Ash Avenue North, which is located in the C-2 Central Business District. The structure proposed to be remodeled and expanded has been used for storage and office space and would be converted into the new automobile service station/convenience store. The other structure on the parcel, where the current automobile service station/convenience store is located, would be moved to a parcel owned by the applicant just south of this site which is also located in the C-2 district. That structure would be remodeled and be used for retail/restaurant space which is a permitted use in the C-2 district.

As part of this submittal a site plan review would be needed as stated under section 152.031 of the zoning ordinance. The site plan review would require the following:

*(A) Submittal requirements.*

- (1) Boundary survey of parcel including identification of all monuments.*
- (2) Scaled location of all buildings, structures, driveways, sidewalks, trails, parking stalls, and curbing.*
- (3) Scaled identification of all setback dimensions from property lines.*
- (4) Scaled locations of all existing and proposed utilities and easements.*
- (5) Scaled depictions of floor plans for each story.*

(6) Scaled depictions of each building elevation and descriptions of exterior building materials and color schemes.

(7) Scaled site grading plans, including erosion and sedimentation control mechanisms and procedures.

(8) Scaled delineations of any shoreland, floodplain, or wetland areas on the site.

(9) Identification of any floodplain or wetland encroachments and detailed mitigation plans.

(10) Detailed landscape plans, illustrating size, types, and locations of all materials, a description of site seeding or sodding, a description of the timetable for site landscaping, and the identification of any irrigation systems.

(11) Detailed descriptions of any site fencing, including type, location and height.

(12) All plans shall be dated and shall bear the name(s) of the preparer(s), including professional registrations or certifications when appropriate or required.

(B) Review requirements.

(1) Applicants shall submit 12 sets of site plans with a required application form to the City Clerk for distribution. Site plans will be evaluated for consistency with documentation requirements. Upon acceptance of the application, site plans will be distributed to the appropriate city entity for review and recommendation, according to § 152.006. Application fees and reimbursement of the city's out-of-pocket expenses shall be in accordance with § 152.157.

(2) Action to approve, modify, or deny site plan applications shall be based upon consistency of the application with the city's Comprehensive Plan, this chapter, other policies and official controls, and the compatibility of the proposed action with existing area land uses, existing area investments and neighborhood character, capacity of public streets and utilities, and future planned land uses.

(3) Actions on site plans are effective upon a simple majority of members present.

(C) Exceptions. The city may waive certain submittal requirements for residential variance applications when it is determined that submittal requirements are not applicable or are not necessary to complete a review of the proposed action. The city may also waive certain submittal requirements for other actions, when site plan information for the subject property has previously been submitted to the city and may be more appropriately supplemented with new information.

The applicant has submitted an elevation drawing of the structure, a plan showing the interior layout and a page showing detailed wall sections of the building. A site plan showing the property boundaries, building locations and off-street parking has been submitted as well. The site is an existing site and already landscaped and paved so it has been proposed that there are no changes to the landscaping and paved areas as well as the existing canopy and gas pumps. The City Engineer did review the site plan and did note that approximately 4,500 additional square feet of impervious surface would be added to the site which is under the required threshold for on-site stormwater treatment.

A motion by Commissioner Maetzold and seconded by Commissioner Goedel to approve the site plan with the following conditions:

**Conditions of Approval**

If approval of the site plan is granted, the following conditions are recommended to be included for approval, these conditions may be subject to modification depending upon the outcome at the City Council meeting. The Planning Commission did recommend approval of the site plan.

1. **Building Material.** That the colors of the exterior building materials reviewed and approved by the City.
2. **Off-street Parking.** That the City Council modifies the minimum off-street parking requirements to allow for less than the required off-street parking spaces.
3. **Shared Parking Agreement.** That a shared parking agreement is recorded at the Carver County's recorder's office against all three parcel, that allows shared use of the parking for all three properties.

4. **Landscaping.** That eight trees are installed in City parks as approved by the City Council.
5. **Engineering.** That the site plan shall satisfactorily address all issues raised by the City Engineer.
6. **Building Permit.** That all City required building permits have been approved, paid for and issued prior to construction.
7. **Building Relocation.** That a permit is granted and a site plan is reviewed if the building that is currently occupied by the automobile service station/convenience store is relocated to another parcel.
8. **MnDOT Review.** That all access points are reviewed and approved by MnDOT.

Motion carried 7/0.

#### **HARTMAN DISCUSSION**

Terry Hartman wanted to discuss with the Planning Commission about the possibility of commercial development on the Parade Street parcel of land. The EDA had previously discussed the possibility of allowing development without City water and sewer service. The development would be served with onsite services for water and sewer. The County is okay with an onsite system with consideration to be given for future development. The idea all of the time is that development would pay for the water and sewer service to be installed to the corner of HWY 7 and HWY 25. This would be a way to get something started. On a motion by Commissioner Wachholz and seconded by Commissioner Osborn to recommend to the City Council to support the concept of onsite systems for the Parade Street Plat.

#### **COMMISSIONERS REPORT**

None

#### **NEXT MEETING**

The next meeting of the Planning Commission will be held on Tuesday, February 5, 2013 at which time the sign ordinance will be discussed.

#### **ADJOURNMENT**

On a motion by Commissioner Wachholz and seconded by Commissioner Goedel to adjourn the meeting at 7:50 PM. Motion carried 7/0.