

City of Mayer
Special
Planning Commission Meeting
Meeting Minutes
Monday, September 10, 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: Monica and Terry Hartman, Tice Stieve-McPadden.

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

CALL MEETING TO ORDER

Meeting called to order at 5:30 PM by Chair Stifter.

ADOPT AGENDA

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

APPROVAL OF MINUTES

On a motion by Commissioner Maetzold and seconded by Commissioner Osborn to approve the minutes of the June 25, 2012 meeting. Motion carried 7/0.

PUBLIC HEARING ON AMENDMENT TO TITLE XV SECTION 152.053 (C)

Public hearing was opened at 5:35 to take testimony on a text amendment to the 152.053 (C) 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.

The City has had a request for an interim use. The City Code allows for the issuance of interim use permits in certain zoning classifications for certain uses. For example, at this time land use regulations allow seasonal mineral extraction and development information and marketing centers for new subdivisions as interim uses in the Agricultural District.

IUP's are often used to allow temporary events/activities, to regulate outdoor storage, and/or to provide for garage sales or occasional sales. Interim use permits differ from conditional use permits in that the use can have expiration date rather than running with the property. In addition, the city may attach conditions to approval of an IUP to mitigate anticipated adverse impacts associated with the use, to ensure compliance with the standards of approval, to protect the value of other property, and to achieve the goals and objectives of the Comprehensive Plan.

Ordinance 185 entitled an Ordinance Amending Title XV: Land Usage, Chapter 152, Zoning, Section 152.053(C), of the City Code by Adding Subsection (3) Relating to Interim Uses in the Agricultural District is offered for consideration and public hearing. The ordinance would allow occasional sales, rummage, barn, and/or yard sales under an interim use permit in the Ag District.

Such sales are specifically defined as the infrequent intermittent and/or sporadic sale of tangible personal property at retail by a person who is not in the business or does not hold him or herself out to be in the business of selling tangible personal property at retail.

Planning Commission opened the Public Hearing no comment on the ordinance the Public Hearing was closed.

ORDINANCE #185

AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 152, ZONING, SECTION 152.053(C), OF THE CITY CODE BY ADDING SUBSECTION (3) RELATING TO INTERIM USES IN THE AGRICULTURAL 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 152.053(C) PROVIDING FOR INTERIM USES IN THE AGRICULTURAL DISTRICT SHALL BE AMENDED BY ADDING THE FOLLOWING SUBSECTION:

(3) Occasional, Rummage, Barn, and/or Yard Sales defined as the infrequent intermittent and/or sporadic sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail

The planning commission made the following changes to the proposed ordinance.

(3) Occasional, Rummage, Barn, and/or Yard Sales defined as the infrequent intermittent and/or sporadic sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be **and/or** in the business of selling tangible personal property at retail

On a motion by Commissioner Hahn and seconded by Commissioner Maetzold to amend the ordinance as presented. Motion carried 7/0.

REQUEST FOR INTERIM USE PERMIT

Terrance and Monica Hartman are requesting an Interim Use Permit to allow occasional barn sales at the aforementioned property. Please find attached additional information relating to the request. Please note the submittal was for a conditional use permit, however, we have determined an interim use permit is more appropriate for said request.

Proposed conditions for approval are as follows:

1. Such sales are specifically limited to the infrequent intermittent and/or sporadic sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself to be in the business of selling tangible personal property at retail.
2. Such sales shall occur no more than fifteen (15) times per year
3. Such individual sale events shall not exceed one extended weekend per each event (i.e. Wednesday evening – Sunday evening)
4. Signage shall be of a temporary nature and in harmony with the surrounding area and the event
5. All parking shall occur on site

6. No more than one full time and two part time employees shall be present at any one time

The public hearing was opened at 6:00 PM no comment the public hearing was closed.

The Planning Commission discussed the conditions and made the following changes:

1. Such sales are specifically limited to the infrequent intermittent and/or sporadic sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself to be **and/or** in the business of selling tangible personal property at retail.
2. Such sales shall occur no more than fifteen (15) times per year
3. An individual sale event shall not exceed one extended weekend per each event (i.e. Wednesday evening – Sunday evening)
4. Signage shall be of a temporary nature and in harmony with the surrounding area and the event
5. All parking shall occur on site
- ~~6. No more than one full time and two part time employees shall be present at any one time~~
6. This Interim Use Permit will become invalid on the sale of the property.

On a motion by Commissioner Hahn and seconded by Commissioner Wachholz to approve the interim use permit for 13385 Highway 7 owned and operated by Terrance and Monica Hartman to allow for occasional barn sales..

PUBLIC HEARING VARIANCE

The public hearing was opened at 6:15 PM. No public comment so the public hearing was closed. The City and First Minnesota Bank are working to develop a single joint-use sign for the property at 101 Ash Avenue North. The joint use monument sign would have space for public information posting and also have space for the bank advertising. A photo of the sign is attached.

The proposed monument sign is to be located within the C-2 Central Business District. A variance from the standards of Title XV, Section 152.131(A) of the City Code relating to sign area and exterior materials for signs within the C-2 Central Business District has been filed.

The proposed sign area is 90 s.f. per surface while the maximum allowed within the C-2 District is 50 s.f. per surface. The proposed sign doesn't have any masonry-quality materials featured, while the City Code requires monument signs to feature masonry-grade materials over at least 25% of the sign façade.

A notice of a public hearing to accept input on the variance request was published in the official newspaper. The hearing will be held on September 10, 2012.

The City Council is to review the variance request and has make findings relating to:

1. Whether or not granting the variances will adversely affect the public health, welfare and safety or be detrimental or injurious to property or improvements in the neighborhood.
2. Whether or not strict interpretation or enforcement of the provisions of these sections of the City Code would result in practical difficulties.

3. Whether or not granting the variance would alter the essential character of the locality.

Suggested that the Planning Commission review the sign ordinance. Staff will place the ordinance on the October agenda.

On a motion by Commissioner Goedel and seconded by Commissioner Wachholz to approve the variance request. Motion carried 6/0 with Commissioner Osborn voting Nay.

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 with 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:

*Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries, or minor accessories; minor automobile repairs; and greasing or washing of individual automobiles. **AUTOMOBILE SERVICE STATIONS** shall not include the sale or storage of junkers as defined herein; shall not include premises offering major automobile repairs, automobile wrecking, automobile sale, or detached car washes.*

Automobile service stations are listed as a permitted use in the C-1 General Commerce district but are not listed in the C-2 district meaning the current use is a legal non-conforming use and since it is not listed in the C-2 district, the use cannot be expanded under section 150.020 of the zoning ordinance.

For this use to be expanded a text amendment would be needed to allow automobile services stations in the C-2 district. This would require a public hearing to allow the use as a permitted use in the C-2 district. It could also be listed as a conditional use which would require a conditional use permit to be applied for and granted in order for the remodel/expansion to take place. A conditional use permit also requires a public hearing.

Planning Commission discussed how they wanted to address this issue either as a permitted use or a conditional use. On a motion by Commissioner Hahn and seconded by Commissioner Maetzold to call for a public hearing on October 2, 2012 at 6:30 PM or shortly thereafter to amend the conditional use section of 152.059.

COMMISSIONERS REPORT

None

ADJOURNMENT

On a motion by Commissioner Hahn and seconded by Commissioner Wachholz to adjourn the meeting at 6:30 PM. Motion carried 7/0.