



Mayer Community Center – Council Chambers - 413 Bluejay Avenue, Mayer, MN 55360

**PLANNING COMMISSION
REGULAR MEETING**

**Tuesday
June 18, 2024
6:30 PM**

- 1. Call the meeting to order.**
- 2. Approval of the agenda.**
- 3. Approval of the minutes from the April 11, 2024 Planning Commission meeting.**
- 4. PUBLIC HEARING – Rezoning of 221, 301, 305 Ash Avenue South and adjacent outlot properties from C/I Commercial/Industrial District to R-1 Low Density Residential District.**
- 5. Next Meeting - Tuesday, July 2, 2024.**
- 6. Commissioners Report.**
- 7. Adjournment.**

City of Mayer
Planning Commission
Meeting Minutes
Thursday, April 11, 2024

Commission Members Present: Chairperson Tom Stifter, Commissioner Les Hahn, Commissioner Michael Sommerfeld, Commissioner Sarah Strand and City Council Liaison Nikki McNeely.

Commission Members Absent: None.

Others Present: Brad Quaas.

Staff Present: City Administrator Nicholas Johnson and Consulting Planner, John Anderson of Municipal Development Group, LLC.

CALL MEETING TO ORDER.

Meeting called to order at 6:31 PM by Chairperson Tom Stifter.

ADOPT AGENDA.

City Administrator Johnson added an agenda item regarding a discussion on filling the two vacant Planning Commission seats and whether a change should be made to reduce the number of Planning Commission seats from seven to five. A motion to approve the agenda was made by Commissioner Hahn and seconded by Commissioner Strand. Motion carried 5/0.

ELECTION OF THE PLANNING COMMISSION CHAIRPERSON AND VICE-CHAIRPERSON FOR 2024.

A motion to elect Chairperson Stifter to remain as Chairperson for 2024 was made by Council Liaison McNeely and seconded by Commissioner Sommerfeld. Motion carried 5/0. A motion to elect Commissioner Sommerfeld as Vice-Chairperson for 2024 was made by Commissioner Strand and seconded by Council Liaison McNeely. Motion carried 5/0.

APPROVAL OF MINUTES.

A motion to approve the September 5, 2023 Planning Commission minutes was made by Council Liaison McNeely and seconded by Commissioner Sommerfeld. Motion carried 5/0.

PUBLIC HEARING - A VARIANCE TO REDUCE THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED FOR A COMMERCIAL/RETAIL USE FROM THE REQUIRED THIRTY SPACES TO EIGHT SPACES.

Planning Consultant Anderson presented the information for the variance to the Planning Commission.

Commissioner Hahn asked about parking on the west of the building on concrete area.

Planning Consultant Anderson stated that since this area is next to Ash Avenue, which is State Highway 25 and under the authority of the Minnesota Department of Transportation, that direct access would not be allowed and if access was to be allowed it would have to get approval through the Minnesota Department of Transportation.

Chairperson Stifter asked if a drive through could be allowed along the west side of the building.

Planning Consultant Anderson stated that it could be possible but that approval would still be needed from the Minnesota Department of Transportation.

Brad Quaas asked about the off-street parking count only showing eight off-street parking stalls but that there are thirteen off-street parking stalls located south of the building.

Planning Consultant Anderson stated that five of the stalls are located partially on the property and partially in the 4th Street right of way and therefore those five stalls cannot be fully counted since they are partially in the right of way. Due to that, the variance was based on only eight off-street parking stalls being provided rather than thirteen even though those five additional off-street parking stalls will most likely be used by the proposed commercial establishment. He stated that to be counted as an off-street parking space the stall has to be located completely on the property and not in or partially in the public right of way.

Planning Consultant Anderson discussed the proposed conditions for the site plan and for the variance. He did state the landscaping condition required five over-story trees to be planted on site or in some other public location if there was not room to plant on site.

Brad Quaas stated that he is proposed to place landscaping on the south side of the building as shown on the off-street parking plan and that he would do planter pots.

At 6:51 PM Chairperson Stifter opened the public hearing.

At 6:52 PM Chairperson Stifter closed the public hearing since there was no public comment.

A motion was made by Council Liaison McNeely and seconded by Commissioner Strand to approve the variance request. Motion carried 5/0.

A SITE PLAN REVIEW FOR A NEW COMMERCIAL/RETAIL USE IN AN EXISTING STRUCTURE KNOWN AS THE OLD FIRE STATION LOCATED AT 400 ASH AVENUE NORTH.

A motion was made by Commissioner Sommerfeld and seconded by Commissioner Strand to approve the site plan with a change to condition number 5, landscaping, that allowed the proposed landscaping with planter pots to replace the five over-story tree requirement. Motion carried 5/0.

VACANT PLANNING COMMISSION SEAT DISCUSSION.

City Administrator Johnson stated that there are two vacant seats on the Planning Commission at this time and that he is looking for direction on whether or to advertise to fill the seats or look at the option to reduce the number of Planning Commission seats from seven to five. He stated that every board and the City Council in Mayer consists of five seats except the Planning Commission consists of seven seats. He stated that as of this date the open seats have not been advertised to be filled.

Council Liaison McNeely stated that she would like to advertise to fill the seats and if there is no interest then the City could look at reducing the number of seats from seven to five.

Commissioner Hahn stated that the Planning Commission was started in 1976 and that he was part of that process and at that time they allowed residents of the neighboring townships to be on the Planning Commission.

City Administrator Johnson stated that the City code still allows residents of the neighboring townships to be members on the Planning Commission.

It was then asked if a business owner who is a non-resident of Mayer or the surrounding townships could be a member on the Planning Commission.

City Administrator Johnson stated that it only says residents of the City and neighboring townships are listed in the City code as being allowed to be members of the Planning Commission and that it does not reference business owners who are non-residents.

NEXT MEETING.

Next scheduled meeting is Tuesday, May 7, 2024.

COMMISSIONERS REPORT.

Commissioner Hahn asked about storage containers and if there was anything in the Code addressing them. He stated that there are some storage containers being used throughout the City and that they are different colors and can viewed from the street.

Planning Consultant Anderson stated that storage containers are typically looked at as outdoor storage and that under sections 152.090 Outdoor Storage and 152.091 Screening in the zoning ordinance for Mayer, there is language that addresses screening of outdoor storage and that it needs to be screened 100% from neighboring properties.

Commissioner Hahn brought up the tree requirement for properties in the C-2 Central Business District and if the tree requirement should be removed.

Planning Consultant Anderson stated that years back the landscaping planting requirement for the C/I Commercial/Industrial District was removed from the zoning ordinance and that if the City felt the tree requirement should be removed it is something that could be looked at.

ADJOURNMENT.

A motion was made by Council Liaison McNeely and seconded by Commissioner Strand to adjourn the meeting at 7:20 PM. Motion carried 5/0.



APPLICATION DATA

Meeting/Public Hearing Date: June 18, 2024

Applicant: City of Mayer

Parcel Id Numbers & Addresses:

<u>PID #</u>	<u>Address</u>
50.24003.51	305 Ash Avenue South
50.07500.20 & 50.24003.60	301 Ash Avenue South
50.00119.00 & 50.24003.70	221 Ash Avenue South

Owners: 305 Ash Avenue South: Cassondra Hartneck
301 Ash Avenue South: Stanley C Heldt Revocable Trust, Sandra K. Heldt Revocable Trust and Curtis E. & Gail B. Heldt
221 Ash Avenue South: Ryan & Tricia Kusske Trust

Abbreviated Legal Descriptions:

305 Ash Avenue South: Commencing 703 feet south of the northeast corner of the Southeast Corner of Section 1, Township 116, Range 26, the place of beginning; thence South 120 feet to a point, thence West 99 feet to a point; thence North 120 feet to a point; thence...

301 Ash Avenue South: Section 01 Township 116 Range 026 City Outlots of Mayer P/O Outlots 1 & 2 described as: Commencing 608 feet South of the Northeast corner of Southeast ¼ Section 1-116-26 thence West 99 feet thence South 95 feet thence East 99 feet thence North 95 feet to the point of beginning and also include: Beginning at a point 608 feet South of the Northeast corner Southeast ¼ Section 1-116-26 thence West 99 feet to the point of beginning thence South parallel with the East line Southeast 95 feet thence West 26 feet thence North par....

AND ALSO

Outlot B, Hidden Creek, according to the recorded plat thereof, Carver County, Minnesota.

221 Ash Avenue South: Outlot C, Hidden Creek, according to the recorded plat thereof, Carver County, Minnesota.

AND ALSO

That part of the North Half of the Southeast Quarter of Section 1, Township 116, Range 26 West described as follows: Commencing at a point on the East line of said Section 1, 497.75 feet South of the Northeast corner of the Southeast Quarter of said Section 1; thence running West a distance of 204 feet; thence running South a distance of 110.25 feet; thence running East a distance of 204.00 feet to a point on the East line of said

Section 1, 608.00 feet South of said Northeast corner of the Southeast Quarter; thence North along said East line of Section 1 a distance of 110.25 feet to the point of beginning.

ACTION REQUESTED

To conduct a public hearing regarding the rezoning of certain property in the City of Mayer from C/I Commercial/Industrial District to R-1 Low Density Residential District.

BACKGROUND DATA

Background: A request was received from the owners of 221 Ash Avenue South to allow for an addition to the existing single-family detached dwelling located on the property. When reviewed by staff two things were noted.

First the property is currently zoned C/I Commercial/Industrial and single-family detached dwelling units are not allowed in that district and therefore the current use is technically a non-conforming use and therefore expansion of a non-conforming use is not allowed. In order to fix this problem, a rezoning is needed to rezone the property to the R-1 district. When looking at the area it was noted that the property is guided Low Density Residential on the future land use map so a rezoning to R-1 would be consistent with that designation. In addition to that, the two properties to the south, which are also both single-family detached dwelling units are also zoned C/I district and guided for Low Density Residential, so those two properties were also included in the proposed rezoning.

The second issue is there are two parcels of record for this property. One is the parcel that contains the residence and the 2nd parcel is an outlot that was platted with the Hidden Creek plat. When figuring setbacks, lot coverage, etc., you can only use the parcel the structure is located on and not the property lines of the other structure. To fix this problem a new plat would technically be needed or in this case a restrictive deed that requires the outlot not to be sold separately but only with the property with the structure on it. The restrictive deed will be in lieu of the plat requirement. The structure itself still cannot cross the property line.

Comments

Received: No public comments have been received at the date of this memo.

Zoning:

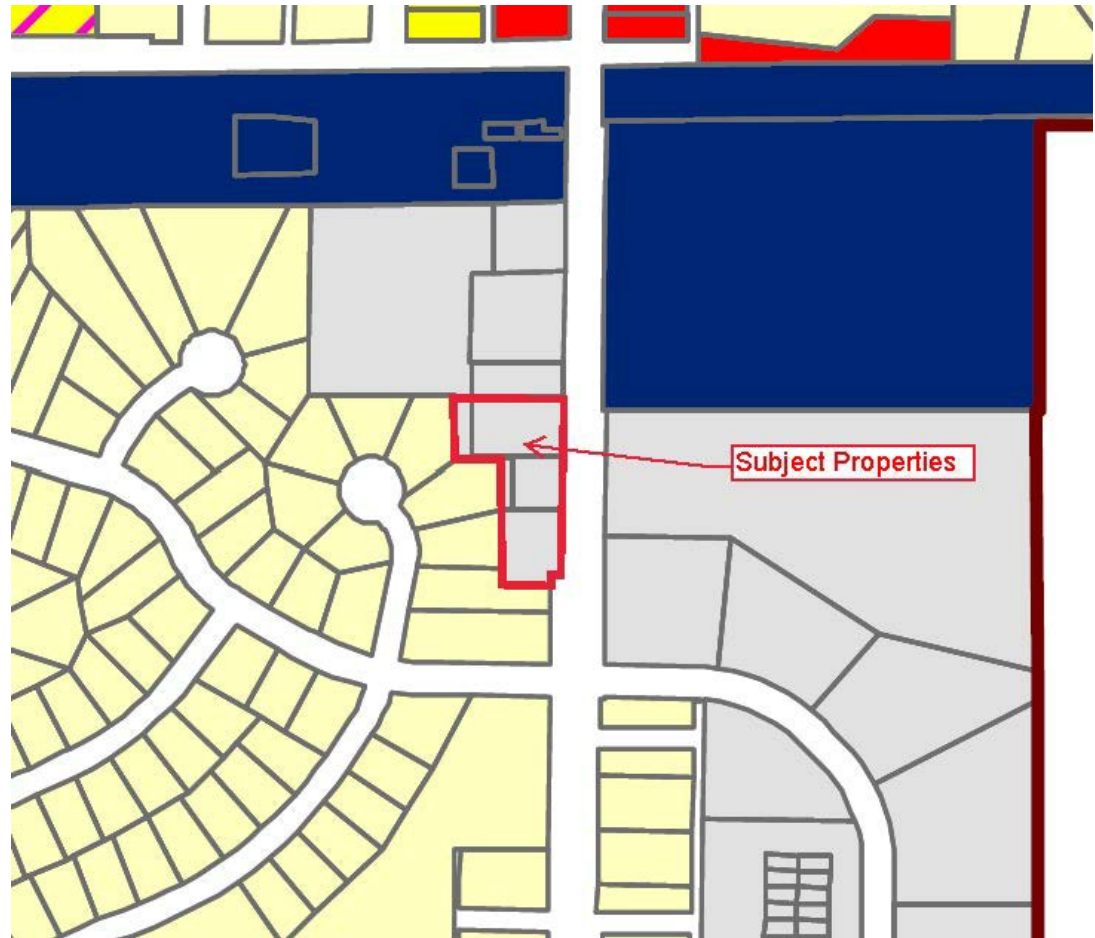
The property is currently zoned C/I Commercial/Industrial District and that is inconsistent with the designation of Low Density Residential on the Future Land Use Map in the City of Mayer Comprehensive Plan. The existing uses are single-family detached dwelling units and that use is a non-conforming use in the C/I district. By rezoning the property to R-1 Single-family Residential District, it now makes the existing uses permitted, rather than non-conforming and allows for additions to the structures. The R-1 zoning designation is also consistent with the future land use map designation.

The lot standards and requirements for the R-1 district are as follows.

Minimum lot size:	10,000 square feet
Minimum lot width:	85 feet
Front yard setback:	30 feet
Side yard setback:	10 feet
Side yard setback corner lot:	30 feet
Rear yard setback:	30 feet
Maximum height:	30 feet
Lot coverage:	35%

The proposed addition at 221 Ash Avenue South meets all the above requirements and by requiring the deed restriction that only allows for the outlot to be sold with the parcel that has the principal structure on it, means that all existing setbacks, such as the driveway setback

and detached accessory setback would be ok as well. The map below shows the current zoning of the property and adjacent zoning of the neighboring parcels.



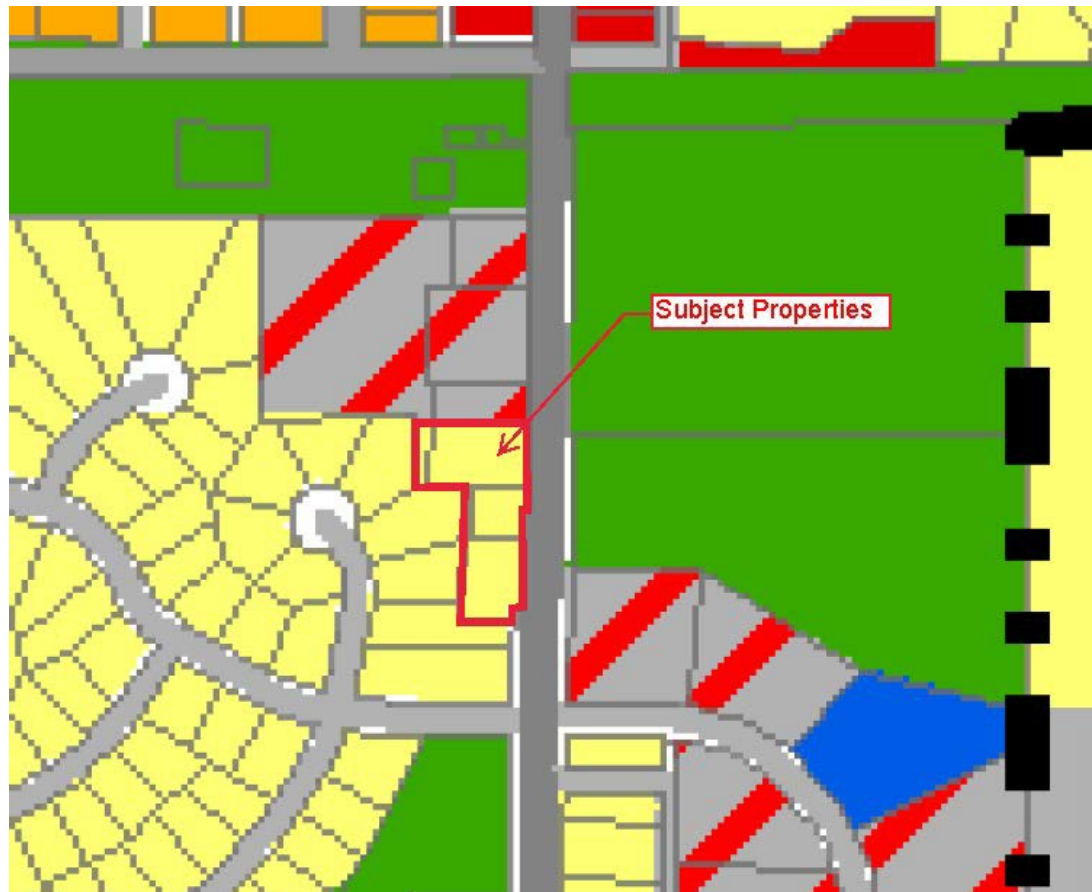
Rezoning Criteria. Typical criteria the City could consider when rezoning property can include the following:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
2. The proposed application is or will be compatible with present and future uses of the area.
3. The proposed application conforms to all performance standards contained in the zoning ordinance.
4. The proposed application can be accommodated with existing public services and will not overburden the City's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property.

**Future Land Use
Plan Map:**

The future land use map in the City of Mayer Comprehensive Plan guides these properties as low density residential even though they are currently zoned C/I district. Since the property is guided for low density residential, we can rezone to R-1 without having to get the Metropolitan Council's approval. Since the City of Mayer is in the seven-county metropolitan

area and part of the Metropolitan Council, any comprehensive plan amendment needs to be approved by the Met Council, if needed, but in this case no comprehensive plan amendment is needed. The map below shows the future land use designations of the property and the neighboring parcels.



The table below shows the future land use and zoning of the neighboring properties as well as the neighboring properties existing land use.

Direction	Zoning	Future Land Use Plan	Existing Land Use
North	C/I Commercial/Industrial	Commercial/Industrial	Lumberyard & Single-family detached dwelling
South	R-1 Low Density Residential	Low Density Residential	Single-family detached dwellings
West	R-1 Low Density Residential	Low Density Residential	Single-family detached dwellings
East	C/I Commercial/Industrial & P/I Public/Institutional	Parks, Open Space & Restricted Development and Commercial/Industrial	Open space/wetlands & Casey's General Store

Lot Combination: In the case of 221 Ash Avenue South and 301 Ash Avenue South, the owners of these two properties each have two separate parcels of record. They each acquired an outlet that was platted as part of the Hidden Creek plat and now in the case of 221 Ash Avenue South the owner is proposing an addition to the existing house. Typically, in order to approve the building permit for the addition, the house, garage, driveways, etc. have to meet the required setbacks and lot coverage requirements. In this case, using both parcels would not be allowed since the owner could sell off the outlet at any time, which could put the remaining parcel in

a non-conforming situation due to setbacks and lot coverage. In order to combine these parcels, a preliminary and final plat would be needed. In lieu of that a restrictive deed will be required so that the owner cannot sell off the outlot without selling the parcel with the principal structure included as well. This will be a condition of approval.

Engineering

Review: No comments have been received at this time, but any comments from the City Engineer would have to be satisfied as a condition of the rezoning.

CONDITIONS

Rezoning

If the Planning Commission recommends approval of the rezoning the following conditions are proposed to be included with the recommendation for approval. The conditions listed below may be subject to modification depending upon the outcome at the Planning Commission meeting.

1. Restrictive Deed. That a restrictive deed is placed on Parcel #50.24003.70 so that it can only be sold with Parcel #50.00119.00. This restrictive deed will be in lieu of the combination of these two parcels through the platting process and allow the owner to utilize as one parcel. It shall be noted that no structure shall be placed on the shared property line of the two parcels.

PLANNING COMMISSION ACTION REQUIRED

After the public hearing is closed and review and discussion by members of the Planning Commission, a motion is in order to approve or deny the rezoning request.

Possible action items - Rezoning

1. Recommend approval of the rezoning subject to conditions.
2. Table the rezoning to a date specific, and provide the applicant with direction on the issues that have been discussed.
3. Recommend denial of the rezoning request.
4. Other specific action as requested by the Planning Commission such as continuing the public hearing.

If you have any questions relating to the rezoning prior to the Planning Commission meeting, please feel free to contact me at: jandersonmdg@gmail.com or call my cell phone at 612-598-4987.

Sincerely,

MUNICIPAL DEVELOPMENT GROUP, LLC

John Anderson

John Anderson, Associate
Consulting Planner, City of Mayer

LIST OF ATTACHMENTS

Exhibit A – Aerial Location Map

Exhibit A - Aerial Location Map



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 6/10/2024

