

**City of Mayer**  
**Planning Commission**  
Meeting Minutes  
Tuesday, September 3, 2013

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

**Commission Members Absent:** Rod Maetzold

**Others Present:** John Anderson, Municipal Development Group, Kevin and Shelly Kahle and Tice Stieve-McPadden

**Staff Present:** 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 Hahn and seconded by Commissioner Goedel to approve the agenda. Motion carried 6/0.

**APPROVAL OF MINUTES**

On a motion by Commissioner Hahn and seconded by Commissioner Goedel to approve the minutes of the July 2, 2013 meeting. Motion carried 6/0.

**DISCUSSION ON LOT SPLIT FOR 212 1<sup>ST</sup> STREET NE**

A request has been made to split a property located in the C-2 Central Business District into two lots. The property consists of a meat market that is an allowed use in the C-2 district, a single family residence that is a non-conforming use and two detached accessory buildings. The applicant would like to split the building the business is located in into a separate parcel from the single family residence and two detached accessory structures.

The applicant met with the Planning Commission on June 4, 2013 and July 2, 2013 to discuss the options that exist for the property. Several concerns were addressed and potential scenarios were discussed.

The subdivision ordinance under Section 1, Sub. 12 Minor Subdivisions states that:

*In the case of a subdivision resulting in three (3) or less lots, situated in a neighborhood where conditions are well defined, and no further re-subdivision is expected, the governing body may exempt the subdivider from complying with some of the requirements of these regulations, after submission of a survey by a registered land surveyor of the proposed subdivision and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the zoning codes.*

*In the case of a request to subdivide a lot which is a part of a recorded plat or to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Code, the division may be approved by the governing body, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision. There shall be only minor subdivision with regard to the original tract in any twelve (12) month period. The governing body shall have the authority to deny minor subdivisions if it appears that the intent of these regulations or the zoning code may be violated. Each parcel must have frontage on a public road.*

At this time the applicant has submitted a survey showing the lot split and other items that were discussed at the previous meetings.

### **Street Frontage**

One of the concerns that was addressed is that any newly created parcels will be required to have frontage on a public street. The property does have frontage on the end of 1st Street NE with the rest of the western boundary fronting a alley. It would be required that both new parcels would have to have frontage on a public street. The required minimum frontage would be fifty feet for both of the proposed lots. The subdivision ordinance states under Section 5, Subd. 5 that:

*All lots shall abut for their full required frontage on a publicly dedicated street as required by the zoning ordinance or on a private drive.*

The definitions of street and alley are listed below.

#### *Definition of "Street"*

*A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway thoroughfare, parkway, road, avenue or boulevard.*

#### *Definition of "Alley"*

*A public vehicular way which affords a secondary means of vehicular access to abutting property and which is not intended for general traffic circulation.*

At this time the applicant has stated they will dedicate the required right-of-way in the form of a roadway and utility easement in favor of the City. The survey shows this. The new parcel then shows the required 50 feet at the edge of this right of way easement, which meets the standards of the ordinance.

### **Off-Street Parking**

One other area of concern would be off-street parking. Since this property is currently zoned C-2, if the property is split the requirement for off-street parking would need to be met for both new parcels. It should not be a problem for the single family residence since only two stalls are required but the commercial structure would require twelve off-street parking stalls.

On the survey that was submitted twelve stalls are shown. The size of these stalls is 9 feet wide by 20 feet deep. It is shown on the survey that some of the area will be gravel and some of the area will be paved. All stalls should be paved and striped accordingly. A existing gravel trail also is shown extending from the regional trail north to the parking area and through one of the stalls. This will have to be removed from the parking stalls.

It also needs to be determined how the single family residence is going to be accessed. It appears that the traffic will go through the parking lot and turn to the north. In order to allow this an ingress and egress easement in favor of the single family residence will need to be prepared and recorded. This easement will need to extend from the end of 1st Street NE to the location where the driveway crosses into the single family property. On the survey there is a area shown as proposed ingress/egress easement.

### **Shared Driveway Agreement**

As part of the ingress/egress easement a shared driveway/parking agreement shall be executed. This agreement will need to included items such as who is responsible to maintain the driveway including snowplowing. This should also determine if the entire driveway is going to be paved or just the parking area. The agreement would be recorded against both properties and the easement mentioned above will need to be in favor of the property with the single family residence.

### **Water and Sewer Services**

The survey shows the location of the water and sanitary sewer service lines. The start at the end of 1st Street NE and extend east in the commercial lot then cross the proposed property line into the proposed single family lot then cross back into the commercial lot to service the commercial building. Where the services split off to service the house is not shown. This should be verified so that we know additional easements will not be needed.

Since the line crossed the proposed property line two easements will be needed. One shall be in favor of the single family residence over the portion of the property where the services extend from the end of 1st Street NE to the where they cross the proposed property line into the single family parcel. The other easement will need to be in favor of the commercial lot where the services extend into the single family parcel until they cross back into the commercial parcel. It should be discussed if some sort of shared easement can be recorded that covers the whole line of if two separate services are needed. It is assumed the services for the single family residence is on the proposed lot but it will need to be verified.

A shared utility service agreement will also be needed since it is not the City's current policy to allow shared water and sanitary sewer service lines. This agreement shall spell out maintenance items and address further subdivision in the future. If any further subdivision is requested, it should be required at that time that the existing single family residence and commercial structure are required to install separate services. This agreement shall be recorded against both properties.

The same would hold true for other utilities such as electric, gas, phone, cable, etc. since each lot would have to have individual services. At this time the electric and telephone line for the commercial building are shown and a overhead power line runs from the alley on the west side of the property to one of the detached accessory buildings. It needs to be determined where these utility service lines are located so that it can be determined if a easement would be needed or not.

#### **Trail Easement**

A sixteen foot trail easement is shown on the eastern property line of this property. This easement will be in favor of the City and allow the City to potentially connect the regional trail to park north of the property.

#### **Conditions of Approval**

A motion by Commissioner Goedel and seconded by Commission Wachholz recommending that the City Council approve the lot split with the following conditions. Motion carried 6/0.

1. **Shared Driveway Agreement.** That a shared driveway agreement is prepared and recorded against both properties detailing the driveway location and maintenance requirements.
2. **Driveway Easement.** That an ingress/egress easement in favor of the single family parcel is drafted and recorded against both properties.
3. **Water and Sanitary Sewer Easements.** That easements for water and sanitary sewer service lines are drafted and recorded in favor of the benefitting parties.
4. **Water and Sanitary Sewer Agreement.** That a shared water and sanitary sewer service line agreement is prepared and recorded against both properties detailing the maintenance requirements and future subdivision limitations.
5. **Trail Easement.** That a easement for trail purposes is drafted and recorded in favor of the City over the east sixteen feet of the property.
6. **Road and Utility Easement.** That a easement for roadway and utility purposes is drafted and recorded in favor of the City to allow for a small cul-de-sac at the east end of 1st Street NE.
7. **Electric, Gas, Telephone and Cable.** That all electric, gas, telephone and cable lines are located to determine if separate service lines will be needed or any easements recorded.
8. **Off-street Parking.** That the applicant provides twelve off-street parking stalls for the commercial use on the parcel being created for the commercial structure. The parking stalls and drive lanes shall be paved and striped accordingly.
9. **Engineering.** That the minor subdivision shall satisfactorily address all issues raised by the City Engineer.
10. **Non-conforming Use.** The lot created for the single family residence shall be rezoned to R-1 Low Density Residential.

11. **Recording Minor Subdivision.** The minor subdivision shall be recorded the County recorder's office
12. **Storm Water Easement.** That an easement for the storm water pipe that runs across the property in favor of the City.

**GROUND SOURCE ORDINANCE**

Commission would like to continue to work on other ordinances: Solar energy, Wind Energy and Hydronic furnaces staff will place on the October agenda.

**COMMISSIONERS REPORT**

Staff had provided the commission with the building permit report a review of the July report. Questions on the status of the Mobil and lack of activity.

**STAFF REPORT**

None

**NEXT MEETING**

Next meeting Tuesday, October 1, 2013.

**ADJOURNMENT**

On a motion by Commissioner Goedel and seconded by Commissioner Hahn to adjourn at 7:20 PM. Motion carried 6/0.