

**PLANNING COMMISSION REGULAR MEETING
OCTOBER 28, 2014 AT 6:45 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Chairman *Tom Bailer* called the Planning Commission Regular Meeting to order at 6:45 PM on October 28, 2014 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman *Tom Bailer* and Commissioners *David Reggiani*, *Tom McGann*, and *Allen Roemhildt*. Commissioners *John Greenwood*, *Scott Pegau*, and *John Baenen* were absent.

Also present were City Planner, *Samantha Greenwood*, and Assistant Planner, *Leif Stavig*.

3 people were in the audience.

3. APPROVAL OF AGENDA

M/Reggiani S/McGann to approve the Agenda.

Upon voice vote, motion passed 4-0.

Yea: *Bailer, Reggiani, McGann, Roemhildt*

Nay: None

Absent: *Greenwood, Pegau, Baenen*

4. APPROVAL OF CONSENT CALENDAR

a. Minutes of 9-9-14 Regular Meeting

b. Minutes of 9-24-14 Special Meeting

c. Minutes of 9-24-14 Work Session

M/Reggiani S/McGann to approve the Minutes as listed on our packet.

Upon voice vote, motion passed 4-0.

Yea: *Bailer, Reggiani, McGann, Roemhildt*

Nay: None

Absent: *Greenwood, Pegau, Baenen*

5. DISCLOSURES OF CONFLICTS OF INTEREST

None.

6. CORRESPONDENCE

a. DNR Public Notice

b. Email from Jerry and Vicki Blackler

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

None.

8. PLANNER'S REPORT

a. Second Street Parking

b. Platting

S. Greenwood introduced *Weston Bennett*, the new Superintendent of Facilities. She said that they just received the appraisals for the Mobile Grid lot and the Impound Lot, so those will be back at the December 9th meeting with proposals so they are out for 30 days. She asked how the commission felt about the Legal Briefings and Zoning Bulletins. After brief discussion, the commission indicated they could go either way.

S. Greenwood asked about the budget for the commission. There is currently \$6,500 budgeted for the commission. *Roemhildt* and *Baenen* are both going to AML training session; that's what the money is going towards. Last year *Holly Wells*, City Attorney, came to discuss variances. Staff want to keep the \$700 for ink. *Roemhildt* said that they may have to train new commissioners in the coming year.

S. Greenwood said that the next Regular Meeting is on a holiday and she isn't sure that they even need a meeting. If something came up, they could have a Special Meeting.

Stavig provided an update on the Roads Inventory item. He just got done updating the GIS with the subdivisions that had not been added for several years. The next step towards addressing is getting the road inventory fixed, a component of that will be changing street names for duplications.

Reggiani referenced the Second Street Parking memo attached to the Planner's Report. He said that he sees how problematic it is with the angles. Coming up the hill from Council Ave. and turning right on Second Street; the first couple of spots are the worst. He asked what the Planning Commission's role was when it came to parking? He would be interested in seeing the street go back to parallel parking. *Randy Robertson*, City Manager, talked about how they needed to do a survey first. *Reggiani* said he wanted to push this forward. *Robertson* said that this is a community decision and they want to solicit the commission and City Council's opinion. *Reggiani* said if it needs to be a recommendation he would like to see that as an action item at a future meeting. *McGann* asked about the size of the sidewalk and if there was a way to decrease it. *S. Greenwood* said that they could look at it if they redo the road.

S. Greenwood explained the administrative plat process. She said that the administrative plats are a benefit to the City as they dissolve lot lines creating larger lots. *Reggiani* clarified that this was consistent with current code and did not require a change.

9. NEW/MISCELLANEOUS BUSINESS

a. Variance Request for Ronald and Anne Winters

M/McGann S/Roemhildt that the request by Ronald and Anne Winters for a variance from the required rear setbacks of 15 feet and side setbacks of 5 feet of the Medium Density Residence District for one foot setbacks for their garage be approved as contained in the staff report with the special condition that the variance shall be contingent on the final closing and purchase of the property.

McGann said that it was clear that Section A does not apply. Since all four conditions need to be complied with for the variance to be granted, that's as far as they need to go. *Reggiani* said he agreed with the staff

report and their analysis of the different conditions in the Suggested Findings and their recommendation to deny it. **Bailer** asked if they denied the variance where would it leave the property owner? **S. Greenwood** said they would still have the ability to purchase the property and they can appeal to the Board of Adjustment for the variance. The purchase is not dependent upon the variance. She said it would eliminate the sale that is currently in place unless they appealed and City Council overturned your decision. She said that she is required to meet those four conditions, and if they want to go through the conditions and not agree with the Planner, they don't have to accept her recommendation.

Roemhildt confirmed that the lot next to the lot in question was nonconforming because of the front lot line.

Reggiani asked if there would be a spot in the back of the house for the garage that would meet the setbacks. **S. Greenwood** said that there would not.

S. Greenwood said that the current financing company will not move forward with the sale without a variance in place.

Roemhildt said that there is an exceptional physical circumstance that applies to the property with the fact that the garage was accidentally placed on City property.

Bailer said that he would vote in favor of the variance and see where it goes. He said that the building is there, the property is there, and it's being used. His initial thought was that it's being used, they aren't going to take it, they may as well get it on the tax rolls. **Roemhildt** agreed and said that where the property is located is physical circumstance to pass the variance.

Upon voice vote, motion failed 2-2.

Yea: **Bailer, Roemhildt**

Nay: **Reggiani, McGann**

Absent: **Greenwood, Pegau, Baenen**

b. Disposal of a Portion of ATS 220

M/Reggiani S/McGann to recommend to City Council to dispose of a portion of ATS 220 which contains the area of encroachment only by direct negotiation with the special condition that Ocean Beauty shall incorporate the additional land purchased from the City in the required re-plat of Lot 1 Block 1 and a re-plat of ATS 220 in that area.

Reggiani said that he reviewed it and it looks like the as-built that was recently commissioned found that the building was a little bit off their lines. This looks like a straight-forward solution. **McGann** said he agreed. **Bailer** clarified that Ocean Beauty was encroaching and asked what the difference was between this and the **Winters'** lot. **S. Greenwood** said that for the **Winters'** the commission recommended to sell to the setbacks; City Council changed that to a foot from the building. Ocean Beauty is just asking to purchase enough for their current and existing building.

Upon voice vote, motion passed 4-0.

Yea: **Bailer, Reggiani, McGann, Roemhildt**

Nay: None

Absent: **Greenwood, Pegau, Baenen**

10. PENDING CALENDAR

a. November 2014 Calendar

b. December 2014 Calendar

Bailer clarified that Second Street parking would be on the December Regular Meeting.

McGann said it was time to revisit Chapter 16. *Reggiani* said he's been frustrated that they did so much work on those codes.

Bailer asked about the critical habitat note that was in the Planner's Report. *S. Greenwood* said she doesn't feel like they can amend a public document, but they could put a footnote on it. *Bailer* wanted to look at their options.

11. AUDIENCE PARTICIPATION

None.

12. COMMISSION COMMENTS

Roemhildt asked what Chapter 16 was. *McGann* said Building Codes.


McGann said he felt bad going against the *Winters*' variance request, but he thinks it is the correct move. He recognized that if City Council had sold the *Winters* all the land they would not have needed the variance, but he is glad they went the direction they did.

Bailer asked *Bennett* to introduce himself.

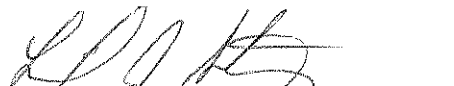
13. ADJOURNMENT

M/Reggiani S/McGann to adjourn the Regular Meeting at 7:15 PM; with no objection, the meeting was adjourned.

Approved:



John Greenwood, Co-Chairman



Leif Stavig, Assistant Planner