

## MINUTES OF PLANNING COMMISSION MEETING

July 11, 2016

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 11<sup>th</sup> day of July, 2016 at 6:30 PM

**THE FOLLOWING MEMBERS WERE PRESENT:** Chairperson Dean, Commissioner Borgstrom, Commissioner Ferris, Commissioner Stafford and Commissioner Tinsley

**THE FOLLOWING WERE ABSENT:** Commissioner Sannes and Commissioner Torkelson

**THE FOLLOWING WERE ALSO PRESENT:** Community Development Director Mike Martin, Admin Assistant Weigel, John Talcott, Ronald Eidem and Gerald Giese

**CALL TO ORDER:** Chairperson Dean called the meeting to order at 6:30 PM.

**MINUTES OF PREVIOUS PLANNING COMMISSION MEETING:** Commissioner Stafford asked to have the word "ow" changed to "own". **Commissioner Stafford made a motion to approve the minutes from June 13, 2016 with noted change; Commissioner Tinsley seconded with all voting aye.**

**PUBLIC HEARING – RESCIND VARIANCE ISSUED TO 101 3<sup>RD</sup> ST NW:** Community Development Director Martin explained that there is no formal or legal process for rescinding a variance. After the last meeting of the Commissioners, Martin attended the League of Minnesota Cities Annual Conference and was able to speak with Jed Burkett, Loss Control Land Use Attorney and Tom Grundhoefer, General Council. Burkett and Grundhoefer's comments were as long as the city is able to establish some sort of a record why the variance is no longer valid for that piece of property; we should be in good shape. As long as there is good reason and we have allowed residents to comment, Grundhoefer feels we should be in good shape.

**Chairman Dean opened the public hearing.**

**John Talcott – 306 5<sup>th</sup> Ave NE:** Talcott reminded the Commissioners that he was strongly opposed to granting the variance in the first place, but still feels that a variance is a property right and is afraid of setting precedence. **Martin** interjected that this particular variance was never recorded with Dodge County as far as we know. Best practices have been followed, there is no undue hardship and rescinding this variance does not create one. The City is not making a formal appeal of the variance either. There was discussion between Mr. Talcott and Commissioners regarding changing the language on future conditional use permits and variances regarding possible non-use language.

**Chairman Dean closed the public hearing.**

**RECOMMENDATION – RESCIND VARIANCE ISSUED TO 101 3<sup>RD</sup> ST NW:** Chairman Dean started discussion by saying that he doesn't feel that we are stealing any property rights because the project never materialized. The next person that comes along can start the entire project from scratch with a fresh slate. **Dean** stated that the only reason the Commission is considering rescinding this variance is because the very specific use has gone away. **Commissioner Tinsley** agrees that since the project never materialized and the conditional use permit has been rescinded there is no reason to keep the variance. Mr. Talcott doesn't want there to be a grey area when it comes to the variance, and stated that it may cause more harm. **Commissioner Ferris** interjected that the developer stated they are not going to pursue the project. **Commissioner Borgstrom** would like to see something in the ordinance with teeth going forward.

**Chairperson Dean** doesn't think we would be doing anything wrong in the first place. Going forward however one of the cleanest ways would be to make a condition in the Conditional Use Permit that all Variances would be rescinded at the same time as any CUP's. **Commissioner Stafford** has no issue rescinding this variance. **Martin** recommended to the Commissioners that if they felt that if they wanted to move forward with the rescinding of the variance they could make that recommendation to the Council by resolution but ask to have the ordinance or law changed first.

**MOTION RECOMMENDING THAT THE COUNCIL RESCIND THE VARIANCE ISSUED TO 1918 KASSON PUBLIC SCHOOL LLLP made by Commissioner Ferris, seconded by Commissioner Tinsley with all voting Aye.**

**GRANNY PODS:** **Community Development Director Martin** explained that the Legislature has passed a law that will make allowing Granny Pods otherwise known as Temporary Family Health Care Dwellings legal to be placed on landowner's property effective September 1, 2016. **Martin** informed the Commission that the City can choose to opt out of this process at any time; however, they can also choose to alter the law. After some Commissioner discussion **Commissioner Borgstrom made a Motion to recommend to the City Council to Opt Out and seconded by Commissioner Ferris with all voting Aye.**

**PROPOSED ZONING DISTRICT:**

**SPECIAL MEETING:** **Community Development Director Martin** has been in contact with Domino's Pizza. They are in the process of doing an in store remodel, which they have obtained a permit for; however their permit did not include consideration for outside cooler addition in the back, west side of the building. This part of the project was red tagged last week and they are now requesting a variance. **Martin** stated that he and staff have figured that the earliest a public hearing could be held is August 1<sup>st</sup> and the next regular meeting of the Commission is August 8<sup>th</sup>. The Commissioners have agreed to hold a special meeting on August 1<sup>st</sup> for this variance request.

**OTHER BUSINESS:** Commissioner Stafford informed the Commission that effective July 12, 2016 he is relinquishing his commission as he has sold his house in Kasson. He will follow up with a formal written notice to the City Council.

**ADJOURN:** Since the agenda had been met the meeting was adjourned at 7:40 pm.

**ATTEST:**

---

Krista Weigel  
Administrative Assistant

---

Michael Martin  
Community Development Director