

## MINUTES OF PLANNING COMMISSION MEETING

July 8, 2013

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 8th day of July, 2013 at 6:30 PM

**THE FOLLOWING MEMBERS WERE PRESENT:** Ferris, Nelson, Dean, Richette, Sannes, and Borgstrom

**THE FOLLOWING WERE ABSENT:** Torkelson

**THE FOLLOWING WERE ALSO PRESENT:** Community Development Director Mike Martin and Deputy Clerk Linda Rappe, Doug and Deb Buck, Fred Spading, Don Marti

**CALL TO ORDER:** Chairman Nelson called the meeting to order at 6:30 PM.

**MINUTES OF PREVIOUS PLANNING COMMISSION MEETINGS:** Dean made a motion to approve the minutes from June 10, 2013, Sannes seconded. All Ayes.

**PUBLIC HEARING OPENED FOR BUCK VARIANCE REQUEST:** Martin stated on the surface this looks like a variance to put an accessory structure on a lot without a primary structure. But in actuality since this is a Planned Unit Development and we establish the criteria for the use by creating very small lots so this would be a relaxation of the standards of the criteria. Doug Buck of 9 Abbey Lane spoke on his behalf. Mr. Buck stated he did not think there would be a problem with this when he bought the lot next to him. He intends to build the garage on the lot so that a patio home could still be erected on it. It takes in the Homeowners Declaration that the garage could not be for a business and this would not be used as such. Don Marti, developer of Stone Ridge Subdivision, submitted a page out the Homeowners Declaration and a letter asking for approval of the variance. Mr. Marti stated that the property lines are the footprint of the buildings on Abbey Lane. He also explained that until a primary structure was built on lot 10 if the Bucks wanted to sell they would have to sell both lots together, once a primary structure is built they could sell them individually, although, Martin stated that that could change at any time with a change to the Declaration. This garage would be 36 x 36 which is average for the garages in this subdivision. Fred Spading, 10 ½ Abbey Lane, is an adjacent neighbor and wanted to state that he doesn't have a problem with this. Commissioner Borgstrom asked if the Association changed the Declaration to allow this, Mr. Marti stated that they clarified the language. Commissioner Sannes asked if everyone was notified of this hearing, it was stated that everyone within a 350 foot radius was notified and there are no neighbors across the street from the Bucks yet. Commissioner Dean asked how much room was left for a home and Marti stated about 2000 SF. Commissioner Borgstrom asked if there was a restriction in the Declaration as to how big a garage could be, Buck stated that it is in the Declaration that the home must be at least 1100 square feet.

**PUBLIC HEARING CLOSED.**

**DISCUSSION:** Commissioner Rischette – is leaning towards approval with it being said that there be a condition that it couldn't be sold without a residential structure constructed.

Commissioner Ferris – It is hard to give the Homeowners Declaration any weight because it can be changed at any time without the City's approval.

Commissioner Dean – There are choices that are/were made as to living in a development such as this where space confines are evident. And the arguments that are made with the Declaration being changed without the City's approval are concerning him. His inclination is to not approve this request.

Commissioner Sannes – would like to see something written and set in stone to satisfy the outcome of having the lot built upon. Martin stated that the only way that could happen is to change the ordinance otherwise we have no recourse if they want to change the Declaration. Commissioner Borgstrom – went through the criteria for granting a variance and does not believe that this meets any of the criteria for granting an ordinance and law states that you must meet them all. And when we approved the original planned unit development it was stated that this was supposed to be more of a transition to the Prairie Meadows facility and that the lot where there is a home now was supposed to be a community center. We are here for the preservation of the property rights of future property owners.

Chairman Nelson – believes that it was not the intent of this development to be able to have extra garages and there are places in town where you could combine two lots in order to achieve this desired outcome, this is not the development for that. We have to be able to sign off on all 5 of the variance conditions and we cannot do that.

**MOTION:** Motion to recommend approval of the resolution denying the variance that is included in the packet, made by Borgstrom, second by Ferris. All Ayes.

**OTHER BUSINESS:** It was asked why there is a fence on south side of the Old Elementary School, Martin stated because it was the recommendation of the City Attorney and City Engineer to put the fence up since the building wall is not of sound condition.

**ADJOURN:** Since the agenda had been met the meeting was adjourned at 7:10 pm.

Respectfully submitted,

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Linda Rappe, Deputy Clerk