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- 5 1. **CALL TO ORDER** – Chair Kris Kopitzke called the meeting to order at 7:00 PM
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- 7 2. **PLEDGE OF ALLEGIANCE** – was recited.
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- 9 3. **ROLL CALL** – Present: Kris Kopitzke, James Langan, Christian Dawson, Doug Parker, Roger Bowman,
10 Justin Sykora. A Quorum was present. Absent were Scott Patten & Sally Doherty (excused).
11 **ALSO IN ATTENDANCE** – Mayor Palmquist, City Administrator Ron Moorese
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- 13 4. **APPROVAL OF AGENDA** –
14 **Motion/Second Parker/Dawson To approve the agenda for the April 1, 2019 Planning Commission**
15 **meeting. Passed 6-0.**
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- 17 5. **APPROVAL OF MINUTES** –
18 A. March 4, 2019
19 **Motion/Second Parker/Bowman To approve the minutes of March 4, 2019 with corrections noted.**
20 **Passed 6-0.**
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- 22 6. **REPORTS AND PRESENTATIONS** - None
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- 24 7. **PUBLIC HEARINGS** –
25 A. Gary Swanson application for a Minor Subdivision and Variance at 5550 Neal Ave
26 Chair Kopitzke opened the public hearing at 7:08 PM.
27 Administrator Moorese provided the following summary: The applicant owns an 80 acre parcel at 5468
28 Neal Avenue that includes a house and accessory buildings, and an adjacent 1-acre parcel to the south on
29 which are located a number of accessory buildings. The applicant also owns the 79 acre parcel at 5550
30 Neal Avenue, on which are also located a house and multiple accessory buildings. The applicant operates
31 a farm using all three parcels. The applicant has applied for a minor subdivision at 5550 Neal Avenue to
32 divide a 5-acre parcel that includes a house and 3 accessory buildings, from the existing 79-acre parcel.
33 The proposed 5-acre parcel has 300 feet of frontage on Neal Avenue and has direct access to Neal
34 Avenue. The variance is to allow the existing agricultural building to remain for use as part of the farm
35 operation on the remaining large parcel.

36 No other comments were received
37
38 **Motion/Second Sykora/Parker To close the public hearing. Passed 6-0.**
39 Public hearing closed at 7:15 PM.
40
41 Bowman asked about the setbacks on the other remaining buildings? (Moorese replied that they are fine)
42 Bowman asked about the access to the property? (Mr Swanson replied that the access is located south of
43 the pole barn, do not need another access)
44 Sykora asked if the variance is needed due to the 59.8’ setback? (Yes, can’t move the lot line north because
45 of other buildings).
46 Kopitzke stated that a variance requires uniqueness that is not created by applicant. Have to explain in
47 findings why this is unique and this is the only solution.
48 Moorese stated that if a 10 acre lot was created, all of the Ag buildings would be on a small, non-agricultural
49 parcel.
50 Bowman asked about the purpose of the subdivision? (to sell the house)
51 Moorese stated that there are a large number of existing ag buildings in the homestead area. Having 4 large
52 Ag buildings on a small non Ag use lot would be substantially non-conforming. The 2 large buildings to
53 the south are beneficial to the Ag use on the large parcel.
54 Sykora stated that uniqueness does apply in this respect.
55 Dawson stated that the buildings will be Ag use on an Ag lot.

56 **Motion/Second Sykora/Bowman to recommend approval of the Gary Swanson application for a**
57 **subdivision and variance at 5550 Neal Avenue, with findings and conditions including additional**
58 **finding regarding the uniqueness of the variance (11 findings, 3 conditions):**

59 **Findings**

- 60 1. The subject property is located in the Ag zone, as are the surrounding properties.
- 61 2. The Ag zone allows single-family residential use with a 5-acre minimum lot size
- 62 3. The applicant owns the 80-acre parcel at 5468 Neal Avenue immediately north of
- 63 5550 Neal Avenue
- 64 4. There are a house and 3 accessory buildings on the area proposed as a 5-acre lot,
- 65 one of which does not meet the side yard setback requirement
- 66 5. The applicant has agreed to remove the accessory building on the 5-acre lot that
- 67 does not meet the side yard setback requirement
- 68 6. The total square footage of the two accessory buildings to remain on the 5-acre lot is
- 69 2,200
- 70 7. While the zoning code limits the number of accessory buildings on a 5-acre lot to a
- 71 maximum of two with a total square footage of 2,000 sq. ft., Sec. 12-187 of the code
- 72 also exempts agricultural buildings that are existing at the time of a subdivision
- 73 from the limits on maximum square footage and total number of accessory
- 74 buildings.
- 75 8. There is an existing agricultural building greater than 1500 sq. ft., located south of
- 76 the proposed 5-acre lot, that would be located 59.8 feet from the proposed south side
- 77 yard property line vs. the required 100 feet. The building is proposed to remain for
- 78 use as part of the farm operation on the remaining large parcel.
- 79 9. The applicant has agreed to combine the three parcels under common ownership
- 80 into one parcel, which would result in an overall reduction in the number of parcels
- 81 from three to two.
- 82 10. The proposed 5-acre lot meets the requirements of 300 feet of frontage on a public
- 83 road and direct access to the public road.
- 84 11. The uniqueness of the proposed 5-acre lot is that it creates a viable lot while
- 85 maintaining the viability of agricultural uses on the remaining large parcel.

86 **Conditions**

- 87 1. Easements as required by the City Engineer shall be granted
- 88 2. The three lots under common ownership shall be combined at the time the subdivision is
- 89 recorded.
- 90 3. The applicant shall remove the pole barn located on the 5-acre lot near the south property
- 91 line prior to the recording of the subdivision

92 **Motion Vote: Passed 6-0.**

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95 **8. NEW BUSINESS – none**

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98 **10. OLD BUSINESS –**

99 **A. Election of Officers**

100 **Motion/Second Bowman/Parker To nominate the three current officers – Kopitzke Chair, Doherty**
101 **Vice-Chair, Patten Secretary to continue in their roles.**

102 Langan stated he would prefer to table until all of the nominees have been talked too.

103 Sykora stated that Patten has been absent a lot, we should be sure he wants to do it.

104 **Langan offered Friendly Amendment (accepted) To nominate Kopitzke as Chair and Doherty as Vice**
105 **Chair. Passed 5-0-1 (Kopitzke abstain).**

106
107 **Motion/Second Sykora/Langan To table Secretary vote until next month. Passed 6-0.**

- 108
109 **B. Review & clarification of elements of PLCD ordinance language**
110 **c. Clarify the maximum density allowed in a PLCD**
111 1) Clarify how to determine density when a portion of a qtr-qtr section extends beyond the PLCD
112 Kopitzke stated that the intent of the languages was to protect people there, not make it first-come, first-
113 served.
114 Parker stated that dividable land should not be determined just by size; land that is not buildable shouldn't
115 count
116 Moose stated it could be left at 4 lots per qtr-qtr and require the neighbors to work with each other
117 Sykora stated that the qtr-qtr language could encourage a developer to purchase a larger tract and result in
118 more protected land.
119 Sykora stated it will become more difficult to work with qtr-qtr sections over time. Go by total amount of
120 land.
121 Dawson stated that the comprehensive plan says we discourage land prospecting, this language does that.
122 Kopitzke stated that the PLCD is a way to conserve land and way for landowners to sell land.
123 Bowman suggested if a development was to deprive other owners in the qtr-qtr their right to subdivide in
124 the future, then the application could require a signature from others
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126 **d. Clarify definition of a cul de sac**
127 Discussion was held on why the language is unclear and what needs to be clarified
128 Bowman stated that any road that is the only egress from an area can only serve 9 homes.
129 Parker suggested language to clarify prohibiting cul de sacs branching from cul de sacs
130 Bowman asked about the separation of driveways in a PLCD? (Moose replied that in the Ag zone it is
131 300').
132 It was decided the current language is sufficient
133
134 **e. Clarify maximum cul de sac length**
135 Length is variable in a PLCD, there will be cases where it can be lengthened under PLCD language
136 Langan suggested stating a cul de sac can't exceed 1320' without a certain amount of property (large
137 minimum)
138 Kopitzke suggested adding cross references in the PLCD language.
139 Langan suggested adding terms that imply intent.
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141 **f. Clarify the number of lots allowed on a cul de sac**
142 Kopitzke stated that this version of the language gave the city council the opportunity to be flexible.
143 Moose stated the general language limiting to 9 lots applies to PLCD and everywhere.
144 Mayor Palmquist stated that a PLCD is an exception.
145 PLCD can only occur in Ag
146 The concept of having loop roads as an unintended consequence needs to be considered.
147 Sykora noted it is very site specific.
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150 **C. Pervious Pavers**
151 **Motion/Second Sykora/Bowman to table item "pervious pavers" until next meeting. Passed 6-0.**
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153 **D. Planning Commission Dinner gathering**
154 It was decided Bowman will grill and others will bring items for potluck. Plan for 18 people. Start at 6:00,
155 May 6.
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157 **E. Update on City Council actions**
158 Mayor Palmquist provided a summary of the March city council meeting. He noted that the river crested at
159 688.48'.

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11. ADJOURN
Motion/Second Sykora/Dawson To adjourn. Passed 6-0.

Meeting adjourned at 9:31 PM.

Respectfully submitted by:

Julie Yoho, City Clerk

To be approved on May 6, 2019 as (check one): Presented: _____ or Amended: _____