

Hastings Planning Commission

April 9, 2012
Regular Meeting

Chair Stevens called the meeting to order at 7:00 p.m.

1. Roll Call

Commissioners Present: Stevens, Bullington, Messina, Rohloff, Slaten, and Vaughan

Commissioners Absent: Estenson

Staff Present: Community Development Director John Hinzman and Associate Planner Justin Fortney

2. Approval of Minutes – March 26, 2012

Motion by Commissioner Slaten to approve the March 26, 2012 minutes as presented.

Seconded by Commissioner Messina. Upon vote taken, Ayes 6, Nays 0. Motion carried.

PUBLIC HEARINGS

3. Michael Banaszewski – Special Use Permit #2012-09 – Operation of an automobile towing and repair business – 710 Commerce Drive.

Community Development Director John Hinzman presented the staff report.

Chair Stevens opened the public hearing at 7:10 p.m.

Kristi Nelson, co-owner of Tim's Repair Shop located at 682 Commerce Drive, stated that the subject property's building is not large enough to operate a repair facility let alone one operated in conjunction with a well drilling business and towing company. She added that her business's building is 9,000 Square feet and the applicant's is just over 3,000 Square feet in size. She commented that she has a background in waste disposal and they go to great lengths to properly contain and dispose of hazardous waste. She added that the applicant does not properly handle hazardous waste based on what she has seen. She also stated that there is evidence of oil spills all over the parking lot due to working on vehicles outside of the building. Nelson also said that in addition to junk and vehicles all over the property, there are semi-trailers parked there too. Lastly she said there has been a Hastings Ford technician on the premises during the day on several occasions.

Stevens closed the public hearing at 7:20 p.m.

Commissioner Slaten asked staff what violations have occurred. Hinzman stated that in the past 6- months there has been numerous violation letters sent regarding exterior storage, unlicensed vehicles, and operation of a towing and repair business without a special use permit. Hinzman also noted that compliance has been difficult to obtain and some improvements have only been reached after the involvement of the Police Chief.

Commissioner Bullington asked if the applicant notified you that they were going to begin

operations. Hinzman said no, we only found out after complaints were made. Bullington added that he is very skeptical that if approved, they will operate within the conditions placed on them.

Slaten said he thinks it may be appropriate to table the review until the next meeting to give the applicant an additional opportunity to discuss the proposal with the Commission.

Motion by Commissioner Slaten to table the application until the April 23, 2012 meeting. Second by Commissioner Rohloff. Upon vote taken, Ayes 3 (Stevens, Rohloff, Slaten), Nays 3 (Bullington, Messina, Vaughan). Motion failed.

Commissioner Vaughan said this may be a situation that would need to be cleaned up prior to reviewing.

Stevens said they should prove compliance with conditions prior to being allowed to operate the towing and repair operations. Hinzman said the difficulty is that the business is already operating and have been allowed to continue to do so as their application is under review.

Bullington commented that further investigation may be warranted by the MNPCA.

Motion by Commissioner Bullington to recommend denial of the request. Second by Commissioner Slaten. Upon vote taken, Ayes 6 Nays 0. Motion passed.

OTHER ACTIONS

4. **Larry Brown** – Type II Home Occupation Permit – Operation of an automobile repair business – 1423 Tyler Street.

Associate Planner fortney presented the staff report.

Slaten said he is generally not supportive of auto repair as a home occupation for a variety of reasons. He added that it puts licensed commercial automotive repair facilities at a disadvantage.

Larry Brown, Applicant, stated that he only plans on doing this for a few years until he retires. He added that he plans on only repairing up to 2 cars per day.

Bullington asked if he has spoken to his neighbors regarding his proposal. Brown said he has, but he noted that he has always been on bad terms with his neighbor Terry Bartels.

Stevens asked if the garage was unfinished. Brown said it was and he plans to finish it. He added that it is currently filled with household items he is in the process of removing.

Stevens asked staff if there are decibel limits for noises in residential areas. Fortney said there is only general requirements that were noted in the staff report that included household and yard equipment operation hours.

Frances Rego, owner of 1414 Tyler Street, said he has no qualms about Larry working on some cars at his house, but added that he doesn't want to see a bunch of cars parked on the road and never wants the tow truck parked on the road again because it is too wide. He added that the working hours suggested by staff of 8:00 a.m. to 8:00 p.m. is much too late. He further explained that there should be no working on cars on the weekend because most of the neighbors work and just want to relax on the weekend and not be bothered. He finished by saying Larry's business on County Road 47 was an eyesore with a scattered mess of junk cars all over and he doesn't want to see that in his neighborhood.

Bullington asked what regular meant in regards to condition number 6 which states that regular parking on Tyler Street is prohibited. Fortney explained that often when code enforcement finally gets compliance from a violator of the maximum number of vehicles regulation; it is by the person just moving excess cars to the street. Fortney added that staff doesn't have an issue with the applicant sometimes parking on the street when necessary, but it should not be allowed as a remedy to comply with onsite parking restrictions.

Stevens said he drove by the property today and counted 7 cars. Brown said it is from Easter company.

Messina said it is hard to repair vehicles quietly and your neighbors houses are very close to your driveway and garage. He also mentioned that it will likely be very expensive to make the necessary improvements to the garage and asked Brown if he is aware of that. Brown responded that he understands the improvements may be expensive.

Vaughan said he believes home occupations are more suited for start up business with a plan to grow and move out of their homes at some point. He added that Browns application stated that he has no known plans for the future of the business.

Motion by Commissioner Vaughan to recommend denial of the application. Second by Commissioner Bullington.

5. **Valley Chevrolet** – Site Plan #2012-11 – Building addition and improvements – 2929 Redwing Blvd.

Associate Planner fortney presented the staff report.

Vaughan asked if any parking lot improvements were planned for the property to help clean up the rear of the property. Fortney said the site plan shows the limits of the construction being fairly close to the building. Quinn Hutson, project Architect, said the parking lot is not part of the current project, but they would like to do it in the future. Hinzman added that in the rear of the property are some shipping containers. Hutson said they are planning on having those removed as part of the project.

Slaten said it appears that the rear flammable storage addition may not meet current codes. Hutson said they are not altering that portion of the building and they did just pass a state inspection of the facility. Hinzman added that the building and fire department will be reviewing the plans as the project continues.

Motion by Commissioner Vaughan to recommend approval of the request. Second by Commissioner Slaten. Upon vote taken, Ayes 6 Nays 0. Motion passed.

6. **Andy McCoy** – Variance #2012-15 – Vary from sideyard setback – 209 7th Street W.

Hinzman presented the staff report.

Andy McCoy, applicant stated that the HPC approved turning the garage around to face the alley and moving 20-feet away from the alley in 2008. Since that time I did not perform the work because I realized it was cost prohibitive. He added that providing a 7-foot setback for the addition would push the addition into his Maple tree. He said that all the homes in the area a pushed to the west property lines like his proposal shows.

Bullington asked why a garage in necessary. McCoy said to park his vehicles it.

Slaten said he wonders if the garage was to remain at 2.5-feet from the property line, would the addition be more allowable in his own mind.

Hinzman said he would be more likely to support a variance from the alley setback to a garage in a situation like this.

McCoy said that just placing the door in the alley side of the garage would not work because the alley is not wide enough to make a turn into it.

Rita Dahl, owner of 205 7th Street West and member of the HPC, said she is supportive of the staff recommendation to deny the variance. She said that setbacks are designed to protect both neighbors from encroachment. She pointed out that this variance would allow a structure only 2 ½-feet from a property line including a 1-foot roof overhang for a distance of 54-feet. She also said that a homeowner cannot create their own hardship. She added that he asked to remove his own driveway. She finished by saying that approval would set a bad precedent for the historic neighborhoods and the rest of the city.

Bullington said when you purchased a historic home you would have known that your ability to make major modifications would be limited. He added that he personally would be more inclined to approve some type of variance if the applicant was not proposing to tear down the garage.

Hinzman said there is currently no precedent for a 2.5-foot variance. He added that there would really need to be some extenuating circumstances in a case like this.

Rohloff said that he would like to know the circumstances that led to the development of the two

detached garages to the west that appear to be newer.

Bullington asked if there was any way to fix up the existing garage. McCoy said it would cost 1.5 times the value of a new garage.

McCoy said if the variance is denied, the driveway will go back to the front and a for sale sign would go up. He added that he understands what it means to live in a historic district, but this is all in the rear of his property and behind his ally he stares at an 18-foot high brick wall of St. Johns Church.

Stevens asked the applicant if it would be helpful to give him time to reconsider his proposal. McCoy said yes, but what can I do.

Vaughan said he believes the applicant is responsible for coming up with his own alternate proposal.

Bullington said he would be supportive of a plan that allowed the rebuilding of the garage on the same sized footprint, but with no house addition.

Motion by Commissioner Vaughan to table the application until the April 23, 2012 meeting. Second by Commissioner Rohloff. Upon vote taken, Ayes 6, Nays 0. Motion passed.

7. **Other Business**

Director Hinzman updated the Planning Commission on upcoming meeting items.

8. **Adjourn**

Motion by Commissioner Slaten to adjourn the April 9, 2012, Planning Commission meeting. Second by Commissioner Vaughan.

Upon vote taken, Ayes 6, Nays 0. Motion carried.

The meeting was adjourned at 9:05 p.m.

Next Planning Commission Meeting – Monday, April 23, 2012.

Respectfully submitted,

Justin Fortney
Recording Secretary