

Hastings Planning Commission

**June 25, 2012
Regular Meeting**

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

1. **Roll Call**

Commissioners Present: Stevens, Rohloff, Vaughan, Messina, Estenson, and Bullington, who arrived just after approval of the minutes
Commissioners Absent: Slaten
Staff Present: Associate Planner Justin Fortney

2. **Approval of Minutes – June 25, 2012**

Motion by Commissioner Estenson to approve the June 25, 2012 minutes. Seconded by Commissioner Messina. Upon vote taken, Ayes 5, Nays 0. Motion carried.

PUBLIC HEARINGS

OTHER ACTIONS

3. **Larry & Shelly Sukow** – Type II Home Occupation Permit #2012-31 – Operation of a lawn décor business – 3121 Riverwood Drive.

Fortney presented the staff report.

Commissioner Messina asked what comments the complainant made. Fortney said that a business was being run and there were obnoxious fumes.

Commissioner Vaughan asked if there will be any further inspection by the Fire Inspector. Fortney said only if there are complaints relating to a fire hazard or if the applicants change their operation.

Bullington asked the applicant how long they had been doing this. Larry Sukow, applicant said a little over a year. He added that it started out as a hobby and it only recently has become a business idea. Bullington said he has concerns with the applicant's exposure to the welding fumes. Sukow said he is an experienced welder and uses a respirator. Bullington asked how many vehicles they have and if they are all parked outside. Sukow said they have four and they have room in the garage when they need to park them in there.

Bullington asked staff how many cars are allowed on the property. Fortney said he was not sure about the R-3 zoning district, but R-2 allows 3 and the R-1 district allows 5.

Joe Mancl, who stated that he lives at 3111 Riverwood Drive said when the applicant is finished with a project and opens his garage door, fumes could come out. He added that there are kids in the neighborhood and they shouldn't have to breathe it.

Mike Smiley, owner of 3110 River Wood Drive said he has never smelled any smoke or fumes, but since his kids play near the applicants' residence he wondered if some type of professional could look into the potential for harmful fumes being emitted from the property.

Tiffany Mancl, owner of 3111 Riverwood Drive said no one else knew that he was going to weld or they would have cleared their schedules to come here. She added that she has had to close the windows and turn on the air-conditioning because of the smells from the welding.

Bullington said maybe the commission could add a condition that an organization inspect the property and determine the affects to the outside air from the operation.

Vaughan said that he is not sure that would be appropriate because many people have small welders like the applicant and don't have to have inspections done.

Commissioner Estenson said the commission's role is to determine if an applicant's proposal fits with the ordinance and the area. He added that it seems there is conflicting information on whether or not there is any smoke, smell, or fumes outside of the garage associated with this proposal.

Chair Stevens asked the applicant if he would be using an oxygen acetylene torch, Sukow responded no. Stevens then asked if he would be using a stick welder and Sukow said no. Stevens added that from his experience, those are the larger generators of smoke and fumes.

Stevens said the Commission looks at how an operation fits in an area and this one seems to have the same intensity as other home occupations. He added that the Commission doesn't have the knowledge if any nuisances are generated from the property. He added that if there is any it should be reported to staff so it can be documented and addressed.

Bullington said in the staff report it states that home occupations may be conducted so long as they do not negatively affect the residential character, health, safety, or general welfare of the surrounding neighborhood. He added that to assure this, a fifth condition on approval should be added that would require review by the department of health or similar.

Fortney said given the comments from the neighbors, staff will contact the Dakota County Department of Health for input to see if they believe there is a health hazard to the surrounding residents.

Bullington withdrew his recommendation to add a fifth condition to an approval.

Stevens said an approved home occupation license will be reviewed after one year, but if there are issues with it prior to that, staff will deal with them and the council may hold a hearing to withdraw approval at anytime.

Motion by Commissioner Vaughan to recommend approval of the home occupation license. Second by Commissioner Estenson. Upon vote taken, Ayes 6, Nays 0. Motion carried.

4. **Other Business**

Fortney updated the Planning Commission on past City Council actions and future Planning Commission applications.

Andy McCoy spoke to the Planning Commission about his absence at a variance hearing in April. He apologized for not being able to attend and explained why his proposal for a new garage increased in size from a previous meeting. He stated that his first drawing was meant to give an impression of setbacks and was not properly scaled. His revised drawing carefully considered all dimensions and as a result showed the garage larger than the previous plan. He also stated that a neighbor said at the meeting that he created his own hardship by removing his driveway. He said that his understanding is that alley access is preferred to street access and it is required for new garages. Stevens thanked McCoy for coming and wished him well on his project.

5. **Adjourn**

**Motion by Commissioner Vaughan to adjourn the July 9, 2012, Planning Commission Meeting. Second by Commissioner Bullington.
Upon vote taken, Ayes 6, Nays 0. Motion carried.**

The meeting was adjourned at 7:45 p.m.

Next Planning Commission Meeting – Monday, July 23 2012.

Respectfully submitted,

Justin Fortney
Recording Secretary