

Hastings Planning Commission

June 11, 2018 - Regular Meeting Minutes
Hastings City Hall - City Council Chambers
7:00 p.m.

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

1. Call Meeting to Order

Planning Commissioners Present: Deaver, Alpaugh, Johnson, Barse, and Siebenaler

Planning Commissioners Absent: None

Staff Present: Community Development Director John Hinzman
City Planner Justin Fortney

2. Approval of Minutes

Commissioner Alpaugh noted minutes should reflect his absence from the meeting. Commissioner Johnson motioned to approve the minutes from the meeting of April 23, 2018 as amended, seconded by Commissioner Barse. Motion approved 5-0.

PUBLIC HEARINGS

3. City of Hastings – City Code Amendment #2018-23 – Fence Height.

Hinzman presented a summary of the action. The amendment would codify the existing practice of limiting front yard fences to a maximum height of 3.5 feet or 42 inches. No other changes are proposed.

Chair Deaver opened and closed the public hearing at 7:05 with no testimony from the public.

Commissioner Alpaugh asked for clarification on the setback from the street. Hinzman stated fences can be placed on the property line, which is generally 10-15 back from the curb.

Chair Deaver asked if the code contained a definition of the front yard. Hinzman stated it does.

Commissioner Johnson asked if fences could be placed in easements. Hinzman stated that fences may be placed in easements, however larger easements may have restrictions which are denoted in the Fence Easement Policy adopted by the Council.

Commissioner Alpaugh motioned to recommend approval of the amendment as presented, seconded by Commissioner Barse. Motion approved 5-0. City Council will consider 1st Reading of the Ordinance Amendment at the June 18, 2018 meeting.

OTHER ACTIONS

- 4. Resurrection United Methodist Church – Site Plan #2018-22 – Expansion of a Parking Lot – 615 15th Street W.**

Fortney presented a summary of the staff report.

Commissioner Siebenaler asked how tall and what materials would the fence be separating the church from neighboring residences. Fortney stated the fence would be six feet tall and be of solid wood.

Stephen Krause, SDK Architects, spoke on behalf of the church and stated the new fence will match the existing fence.

Commissioner Siebenaler asked for confirmation on the number of homes that will remain on the block. Fortney stated there are presently four homes on the block all owned by the church. The parking lot expansion would remove the home located at 1525 Maple Street. The remaining homes may be removed at a later date.

Chair Deaver asked if the parking lot expansion would encroach upon 1531 Maple Street (located at the NE corner of 16th & Maple). Fortney stated the expansion would include land presently part of 1531 Maple Street; however the lot line between the church and 1531 will be adjusted to prevent expansion onto the property.

Chair Deaver asked if the adjusted 1531 Maple Street home would continue to meet minimum lot width requirements. Fortney stated the home would continue to meet minimum standards after the lot line adjustment.

Commissioner Siebenaler asked for further clarification on the stormwater bio retention pond. Fortney stated the pond would treat stormwater for the entire site including stormwater volume, rate, and quality.

Chair Deaver asked if there was a long term vision for the block. Mr. Krause stated the church has developed a plan for expansion that would eventually removal all homes from the block.

Chair Deaver asked if an easement was needed for the stormwater pond. Hinzman stated since the pond was a private facility and easement was not

necessary.

Chair Deaver asked if a photometric plan had been submitted. Fortney stated the plan has been submitted and is consistent with City Code.

Commissioner Johnson motioned to recommend approval of the Site Plan as presented, seconded by Commissioner Alpaugh. Motion approved 5-0. City Council will consider final approval at the June 18, 2018 meeting.

5. Continued: City of Hastings – City Code Amendment #2018-19 – Special Use Permits.

Hinzman presented a summary of the action and changes since the last Planning Commission Meeting. The amendment would codify the existing practice of establishing a sunset clause provision on the issuance of permits, add limitations for the non-use of permits, and require recording of permits.

Commissioner Barse asked for clarification on whether a permit issued in which the use has changed could change back to the original use authorized by the special use permit within the three year window. Hinzman stated the ordinance as written would prevent that from occurring. The change to a new use would invalidate the permit even if it was within the three year window.

Chair Deaver asked for clarification that only special uses were included under the provision; that permitted uses were not bound by the restrictions. Hinzman stated that was correct.

Commissioner Barse asked if the use authorized under the special use permit could be conducted after a lapse in time. Hinzman stated that under the proposed changes the use could be re-established provided not more than three years has elapsed and there has not been a change to another use. Special use permits issued in the past without sunset clause provisions have been deemed valid even after a substantial amount of time has elapsed from the original issuance, i.e. the repair garage at Highway 55 & Vermillion.

Commissioner Barse asked for clarification that the change would only effect permits issued from this day forward. Hinzman stated that was the intent of the amendment.

Commissioner Siebenaler asked if existing special use permits would be recorded. Hinzman stated he would not plan on recording previously issued permits.

Commissioner Alpaugh asked if special use permits have to be renewed. Hinzman stated they did not.

Chair Deaver asked if ownership of the property has any bearing on the proposed limitation restrictions to invalidate a permit if the use changes. Hinzman stated it does not.

Chair Deaver asked if change in use and validation of the special use permit would be difficult to track by either the City or property owner. Hinzman stated the proposed amendment would record the permit with the property and include the limitations. The City also keeps track of changes per a required change of occupancy permit.

Commissioner Barse asked for clarification on the impetus for the proposed amendment, it appears the problems may be on older permits which would not be effected by the change. Hinzman stated the intent is to provide better clarity on the rights of permits issued from this point forward.

Commissioner Johnson asked for clarification that existing special use permit would remain valid. Hinzman stated the changes are intended for permits issued from this point forward and not for existing permits.

Commissioner Johnson asked if permits would need to be unrecorded or rerecorded upon a change. Hinzman stated the permits would be recorded with the limitation on their use. Unrecording or rerecording would not be necessary.

Chair Deaver asked if we needed to codify the non-retroactivity of the amendment. Hinzman stated he did consider it necessary.

Commissioner Alpaugh asked if the existing practice of adding a boiler plate condition sunset clause is legally binding. Hinzman stated he believes those conditions are binding. The purpose of the amendment is make it more visible to ensure that all special use permits have this condition.

Commissioner Barse stated there are aspects of the amendment he supports including the requirement of recording and the extension to three years for the cessation of permit use. He has concerns with the proposed language to invalidate a permit upon a change of a special use permit, even within the three year period.

Chair Deaver asked if other cities have similar regulations. Hinzman stated the recording of permits is common.

Commissioner Alpaugh motioned to recommend approval of the Code Amendment as presented. Upon further clarification on protocol from Hinzman the motion was seconded by Chair Deaver to allow for further discussion.

Chair Deaver commented that he is in support of the time limits and recording requirements of the amendment.

Commissioner Barse offered an amendment to the motion to strike the last sentence of the following section of the proposed ordinance amendment: § 30.02, Subd. E(2)(c)(2) “In addition, where a use authorized by a special use permit is discontinued due to the successive operation of a different use upon the property the permit shall be null and void.” The maker and seconder of the motion agreed to the amendment. The motion to recommend approval of the ordinance amendment with the Barse amendment was approved 5-0. City Council will consider 1st Reading of the Ordinance Amendment at the June 18, 2018 meeting.

6. Rescheduling of July Planning Commission Meetings

Hinzman reminded the Commission that the meeting dates for July have been changed to the 3rd and 5th Mondays at 7:00pm, July 16th and 30th, respectively.

7. Other Business

Hinzman provided a summary of the past City Council Meeting approvals. The City Council will consider the appointment of two new Planning Commissioners on June 18th. The Commission will next meet on June 25th to review the Comprehensive Plan.

8. Adjourn

Commissioner Alpaugh motioned to adjourn the meeting at 8:15 p.m. seconded by Commissioner Johnson. Motion approved 5-0.

Next Meeting – June 25, 2018

Respectively Submitted,

John Hinzman