

Hastings Planning Commission

April 13, 2020 - Regular Meeting Agenda

The Hastings Planning Commission of the City of Hastings, Minnesota met in a regular meeting on Monday, April 13, 2020 at 7:00 p.m. via Zoom video conference.

Chair Johnson called the meeting to order at 7:04 p.m.

Chair Johnson explained why and referenced various city, state and federal declarations and guidelines that an in-person meeting was not practical or prudent due to the COVID-19 Pandemic.

1. Call Meeting to Order

Planning Commissioners Present: Best, Halberg, Johnson, Messina, Romens and Siebenaler

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

2. Approval of Minutes

Chair Johnson asked if there were any additions or corrections to the minutes of the March 9, 2020 Planning Commission meeting minutes. Roll call vote: Ayes 5; Nays 0; Abstain - Best. Motion approved.

PUBLIC HEARINGS

3. Kisby Ventures - Special Use Permit #2020-14 - Neighborhood Commercial Use - United Promotions use of former Caturia Smidt Funeral Home - 201 East 7th Street.

Fortney provided a summary of the request and indicated that staff's recommendation was to deny the request. He also summarized received public comment; the Principal from St. Elizabeth Ann Seton Catholic School was in favor of the request, two letters of support were submitted with the application and Dennis Peine, a resident of the neighborhood, opposed the request.

Commissioner Johnson opened the public hearing at 7:18 p.m.

Lonny Thomas, applicant's attorney, detailed the business hours, number of employees, deliveries, traffic and parking, discussed the staff report and why the request should be allowed and that the request meets all the standards in the ordinance.

Hearing no further comments, Commissioner Johnson closed the public hearing at 7:39 p.m.

Commissioner Siebenaler indicated that Lucas Popp, a neighbor to the property, was in favor of the request. She also asked if the Church was contacted regarding continued use of their parking lot. Fortney stated that yes, the Church was contacted and agreed to the use of their parking lot; a letter was submitted with the application and Thomas just spoke to it as well but there was no formal agreement.

Commissioner Romens expressed why he was not in favor of the request; lack of parking at the site and a formalized agreement with the Church, and the hours of operation.

Commissioner Halberg motioned to approve the Special Use Permit subject to the conditions in the staff report, seconded by Commissioner Best. Roll Call: Ayes 5; Nays 1 - Romens. Motion approved.

This item will be on the April 20, 2020 City Council meeting agenda.

4. United Heroes League - Interim Use Permit #2020-17 - Construction of a Challenge Course and Temporary Parking Lot - 2800 Ravenna Trail.

Fortney detailed the request for the interim use permit request and noted that no public comments were received.

Commissioner Siebenaler asked what portion of the site was in Ravenna Township. Fortney specified the area.

Commissioner Halberg asked if the entire site would be fenced or just the entrance. Fortney did not know whether the entire site would be fenced.

Commissioner Johnson and Fortney discussed the timeline of the interim use permit and what occurs when that has expired.

Commissioner Siebenaler inquired if a portion of the site was used for the bridge demolition debris, whether any of it was hazardous waste, if environmental studies need to be conducted and noted that the proposed parking is twice the requirement. Fortney responded that bridge demolition debris was stored there and identified the area of the site, he was not aware of any hazardous materials being stored at the site, the City did not have any requirements for environmental testing and that the applicant was unsure of the future parking need.

Commissioner Johnson opened the public hearing at 7:58 p.m.

Hearing no comments, Commissioner Johnson closed the public hearing at 7:59 p.m.

Commissioner Siebenaler, Fortney and Hinzman discussed the notification process.

Commissioner Best expressed her concerns about the lack of fencing around the entire site. Commissioner Messina commented to Commissioner Best's fencing concerns and indicated that he was in favor of the request.

Commissioner Siebenaler motioned to approve the Interim Use Permit subject to the conditions in the staff report as presented, seconded by Commissioner Messina. Roll Call: Ayes 6; Nays 0. Motion approved.

This item will be on the April 20, 2020 City Council meeting agenda.

OTHER ACTIONS

5. Wallin Partnership - Final Plat #2020-16 - Wallin 18th Addition - General Sieben Drive and Rivershore Drive.

Hinzman explained the difference between a preliminary plat and final plat and discussed the presented Final Plat 2020-16.

Todd Rapp, applicant's attorney, indicated that he was present if the Commissioners had any questions.

Commissioner Siebenaler and Rapp discussed the number of driveways on General Sieben Drive; that some of the driveways were moved to other streets and those remaining will have hammerhead turnarounds.

Commissioners Siebenaler and Johnson were concerned about setting a precedence of driveways on General Sieben Drive. Hinzman explained that when examining a final plat, it needs to conform to with the preliminary plat. The preliminary plat for Wallin 18th Addition was approved in 2002 and the driveways were discussed and determined at that time. Furthermore, this does not set a precedence because any future properties would have to go through the same review process.

Commissioner Siebenaler asked Hinzman for more detail of the 2002 preliminary plat approval. Hinzman provided the history of the approval.

Commissioner Messina motioned to approve Final Plat #2020 – 16 Wallin 18th Addition subject to the conditions in the staff report as presented, seconded by Commissioner Romens. Roll Call: Ayes 6; Nays 0. Motion approved.

This item will be on the April 20, 2020 City Council meeting agenda.

6. Ian Martin - Variance #2020-18 - Side yard Setback - Deck - 1770 Greystone Road.

Hinzman explained the request for a variance for a side yard setback at for a deck at 1770

Greystone Road and explained why this request should be denied. Hinzman commented that notices were sent to properties within 350 feet of the property. Two responses were received: Andrew and Jill Gentz, 1671 Fallbrooke Drive, were in support of the variance; and from Wallin Subdivision, owner of the pond, did not support the variance request.

Ian Martin, applicant, explained that the request was for a three foot variance and not a five foot variance as stated in the report. He also provided an example of a similar request of a soffit overhang that the Planning Commission previously approved. Martin made several counterpoints to the staff report in favor of allowing his request.

Commissioner Siebenaler asked Martin if he mows into the easement. Martin indicated he maintains the area.

Commissioner Romens and Hinzman discussed the three foot and five foot discrepancy.

Commissioner Romens expressed his disappointment that the deck was partially constructed prior to the variance approval. Additionally, there was no hardship which could allow for a variance. He was also worried that this may set a precedence for other homeowners. Martin responded that it wasn't a hardship, but rather a practical difficulty because no one commented on it during the site plan review. If he had known, the house layout would have changed to accommodate a deck.

Martin remarked that there currently was a license to encroach due to an egress window. Hinzman noted the history of the egress window encroachment and that this property has a history of the City getting involved in the middle or at the end of an issue and that the City has tried to be accommodating.

Hinzman observed that it has been acknowledged that the hardship/practical difficulty was self-created.

Commissioner Halberg asked Martin why he choose to still construct the deck after he was told the application would not be approved. Martin explained that it was his opinion that the City did not give enough consideration to his initial application. Commissioner Halberg worried that if this was approved it would set a precedent.

Commissioner Messina explained how he defined hardship using an example of a home built in the 1950's; a one stall garage was needed at the time, but in today's standards a two car garage was needed. He was also concerned about setting a precedent.

Commissioner Johnson stated he understood the precedence issue and does not condone the deck construction without a permit. However, the City should be a bit flexible when reviewing plans and examine the overall site area.

Commissioner Siebenaler commented that the pond size and placement of the lot lines were made for specific reasons.

Commissioner Siebenaler motioned to deny the variance request as presented, seconded by Commissioner Halberg. Roll Call: Ayes 5; Nays 1 - Johnson. Motion approved.

This item will be on the April 20, 2020 City Council meeting agenda.

7. Election of Vice Chair

Hinzman described the requirements of Vice Chair of the Planning Commission.

Commissioner Romens motioned to nominate Commissioner Messina as Vice Chair, seconded by Commissioner Halberg. Roll Call: Ayes 6; Nays 0. Commissioner Messina was elected as Vice Chair to the Planning Commission.

8. Other Business

Hinzman updated the Commissioners on recent Council items.

The Commissioners and Hinzman discussed the various ways to access City public meetings and the change in the City's official newspaper.

9. Adjourn

Commissioner Siebenaler motioned to adjourn at 9:30 p.m., seconded by Commissioner Johnson. Roll Call: Ayes 6; Nays 0. Motion approved.

Next Meeting – April 27, 2020

Respectively Submitted:
Erica Henderson
Deputy City Clerk