

**PLANNING COMMISSION
PAYNESVILLE CITY HALL COUNCIL CHAMBERS
AUGUST 1, 2016
6:00 P.M.**

AGENDA

- I. CALL TO ORDER
- II. CONSENT AGENDA
 - A. Minutes (page 1)
- III. NEW BUSINESS
 - A. Variance Request – City of Paynesville Water Plant VOC (page 4)
- IV. OLD BUSINESS
 - A. Zoning Ordinance Amendments – Codification (page 10)
- V. INFORMATIONAL
 - A. Building Inspector Report (page 16)
 - B. Next Meeting – Monday, August 15, 2016 at 6:00 p.m.
- VI. ADJOURN

Please contact Renee Eckerly at 320-243-3714 ext. 227 or at renee@paynesvillemn.com if you can't attend the meeting.

Members: Randy Christman, Darlene Loven, Ron Mehr, Bob McDaniel, and Neil Herzberg. Advisory Members: Renee Eckerly, City Administrator and Brad Mehlhop, Building Official

This agenda has been prepared to provide information regarding an upcoming meeting of the Paynesville Planning Commission. This document does not claim to be complete and is subject to change.

BARRIER FREE: All Paynesville Planning Commission meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall (320) 243-3714 early, so necessary arrangements can be made.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: August 1, 2016

Agenda Section: Consent

Originating Department: Administration

Item Number: II - A

ITEM DESCRIPTION: Minutes

Prepared by: Staff

COMMENTS:

Please review the minutes from the June 20, 2016 Planning Commission meeting.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the minutes from the June 20, 2016 Planning Commission meeting

**MINUTES
PLANNING COMMISSION**

JUNE 20, 2016

Chairman Ron Mehr called the meeting to order at 6:00 p.m. Other members present were Darlene Loven, Bob McDaniel, and Neil Herzberg. Randy Christman was absent. Also present was Renee Eckerly, City Administrator and Brad Mehlhop, Building Official.

**Motion was made by Herzberg to approve the minutes of the June 6, 2016
Planning Commission meeting. Seconded by Loven and unanimously carried.**

VARIANCE REQUEST – CASEY’S RETAIL

Mehr reviewed the Variance Application from Casey’s Retail Company to allow the construction of a 16 foot x 36 foot building addition to expand the existing structure, which structure requires a Variance from the rear yard setback requirement of Chapter 11, Section 11.41, Subd. 5, which requires a rear yard setback of 20 feet. The proposed addition to the structure would match the existing setback being two (2) feet from the rear property line, thereby requiring a Variance of 18 feet from the strict requirements of Chapter 11, Section 11.41, Subd. 5A.

1. The property in question is located at 222 Business 23 E., Paynesville, MN 56362.
2. The property in question is currently zoned “C-2” – Highway Commercial District
3. The property in question is Tax Parcel Nos. 70.38851.0000 and 70.38937.0000, which parcels are legally described as follows, to-wit:
Lots Eleven (11) and Twelve (12) in Block Two (2) of Gilbert’s New Addition to Paynesville, according to the plat and survey thereof now on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota.
4. The owner of the property described above is Casey’s Retail Company.
5. An appropriate Variance application has been filed and the required fee has been paid.

The structure shall, in all other respects, comply with the requirements of Chapter 11 of the City Code, and specifically the requirements of Chapter 11, Section 11.10, Subd. 4d, requiring that commercial and industrial districts adjacent to residential districts and not divided by streets, there must be a screening fence not to exceed eight (8) feet in height and not to be less than six (6) feet in height, screening 80% of the area from the adjacent residential district. Staff has viewed the site and believes Casey’s has built over the lot lines and recommends that Casey’s combine the lots. Casey’s has been contacted and staff is waiting on them to confirm the legal description, address and to reply to combining the lots. To date no response has been received.

**Motion was made by McDaniel to approve the Casey’s Report & Recommendation
Of Planning Commission On Application For Variance and recommend such to the
City Council. Seconded by Herzberg and unanimously carried.**

ZONING ORDINANCE CODIFICATION

This item was tabled.

BUILDING INSPECTOR REPORT

Mehlhop reported that he will be taking the Limited Building Official test on June 30, 2016.

NEXT MEETING

The next meeting will be July 18, 2016 at 6:00 p.m.

There being no further business, the meeting was adjourned at 6:20 p.m.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: August 1, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: III - A

ITEM DESCRIPTION: Variance Request – City of Paynesville

Prepared by: Staff

COMMENTS:

The City of Paynesville received a three-part Variance Application from the City of Paynesville, 221 Washburne Ave. Paynesville, MN. The property in question is at 271 Ampe Drive, Paynesville, MN. The Variance request is for an additional structure at the Water Treatment Plant for the volatile organic compounds (VOC) project. Due to the irregular shape of the lot, the new building is proposed to be:

- 5.14 feet from the rear property line – can't meet the 20 foot setback requirement – needing a 14.6 foot variance
- 6.84 feet from the side property line – can't meet the 10 foot setback requirement – needing a 3.16 foot variance
- 37 feet in height - can't meet the 35 foot height regulation – needing a 2 foot variance

The structure will meet all other zoning regulations.

Please review the application and the Report & Recommendation.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the City of Paynesville Report & Recommendation Of Planning Commission On Application For Variance and recommend such to the City Council.

4

CITY OF PAYNESVILLE ~ VARIANCE APPLICATION

221 Washburne Ave. ~ Paynesville, MN 56362

Phone: 320-243-3714 ~ Fax: 320-243-3713

List All Property Owners: City of Paynesville

Contact Person: Ron Mergen

Email Address: ron@paynesvillemn.com

Mailing Address: 221 Washburne Avenue, Paynesville, MN 56362

Telephone No.: (320) 243-3714

Parcel No.: 70.39242.0045

Property Address: 271 Ampe Drive

Legal Description: Lot: 6

Block: 4

Addition: Pay-Del-Co

ZONE: C2

EXISTING USE OF PROPERTY:

Water Treatment Facility

Application Fee: \$250.00

(non-refundable) These are the fees incurred per document: Advertising \$48.00 (average), Recording \$46.00 (actual), Postage \$33.00 (average), Legal \$123.00 (average), totalling \$250.00.

IS THE VARIANCE NEEDED TO REPLACE AN EXISTING STRUCTURE OR ADD AN ADDITIONAL STRUCTURE? Add an additional structure

IF REPLACING, IS THE EXISTING STRUCTURE NON-CONFORMING? _____

DESCRIPTION OF REQUEST: (use separate sheet if needed)

See attached sheet.

DRAWING OF PROPOSED VARIANCE: (use separate sheet)

Application Must Include:

- A site plan showing existing lot lines and dimensions as well as lot area, all easements, all public streets, and private right of ways bordering and adjacent to the site, the use and location of all adjacent property.
- The specific feature or features of the proposed use, construction, or development that requires a variance.
- Specific provisions of Ordinance from which a variance is sought and the precise variance there from being sought.
- Statement of characteristics of the property that prevent compliance with the provisions of the Ordinance.
- Legal description from abstract.
- Any written or graphic data required by the City Administrator.

Jeff Thompson
All Property Owners Must Sign This Application

7/19/16
Date

For office use only:

Application Fee: \$250.00 (non-refundable)

For office use only: Cash _____

Check No. 093061

Date Paid 7.28.16

Present To Planning Commission Date: 8.1.16

Board of Adjustment Public Hearing Date: 9.12.16

Board of Adjustment Set Public Hearing Date: 8.8.16

Board of Adjustment Makes Determination Date: 9.12.16

PLANNING COMMISSION ACTION:

Recommended to Board of Adjustment 630pm Approved

Denied

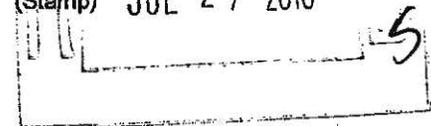
Date: _____

BOARD OF ADJUSTMENT ACTION: Approved

Denied

Date: _____

Date Received In Office:
(Stamp) JUL 27 2016



The City of Paynesville is adding a process to their water treatment facility to remove volatile organic compounds. Due to the irregular shape of the lot, the new building is proposed to be located 5.14-feet from the rear property line, which doesn't meet the 20-foot setback requirement, and also 6.84-feet from the side property line, which doesn't meet the 10-foot setback requirement. In addition, the treatment process includes a tower which will extend 37-feet above the existing ground elevation, which is higher than the 35-foot maximum height allowed. The lot coverage is less than the 50% maximum requirement.

CITY OF PAYNESVILLE

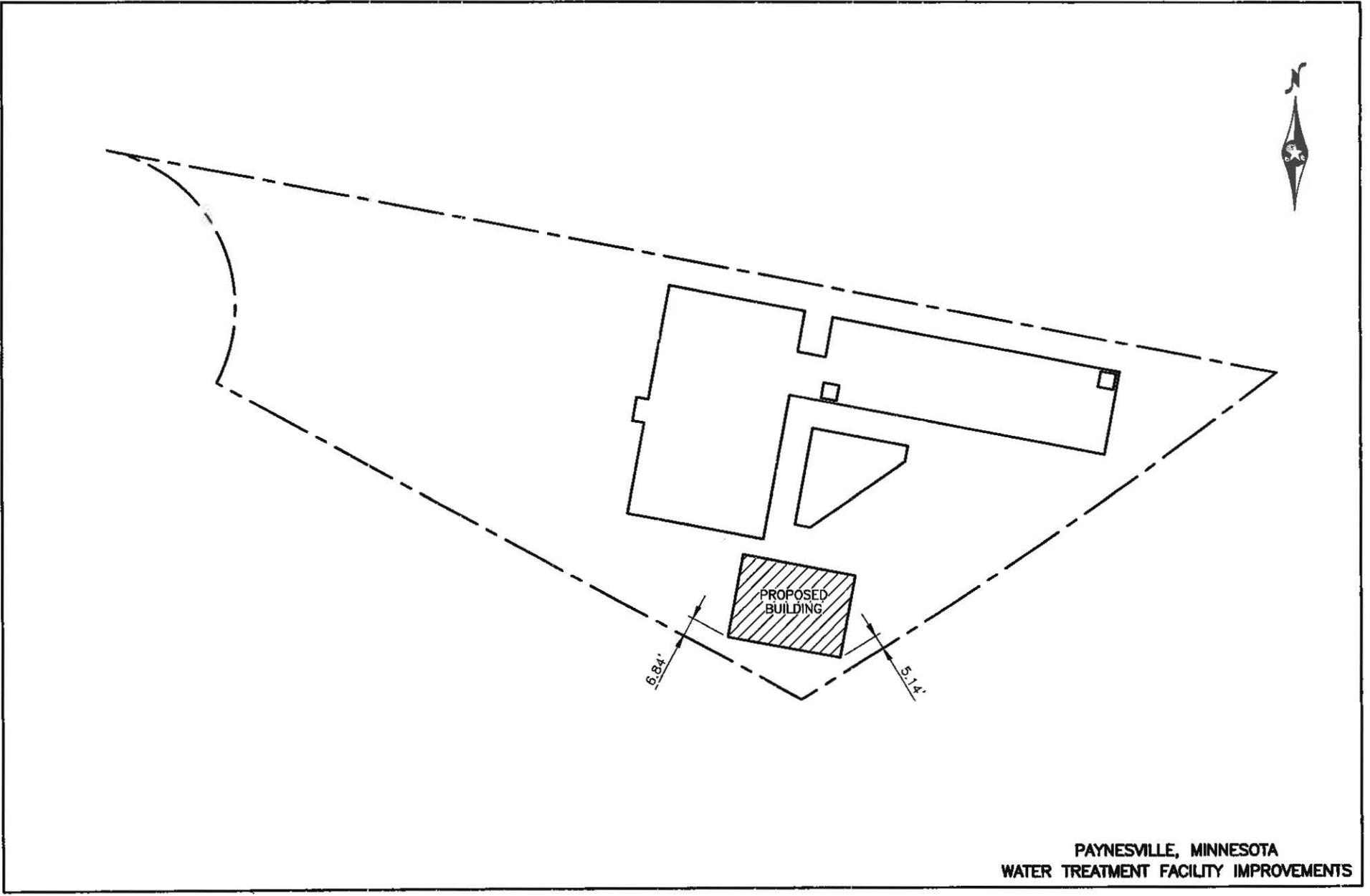
REC#: 00046805 7/28/2016 9:26 AM
OPER: FRONT TERM: 001
REF#: 093061

TRAN: 10.0100 VARIANCE FEE
water plant voc variance
VARIANCE FEES 250.00GR

TENDERED: 2,326.21 CHECK
APPLIED: 2,326.21-

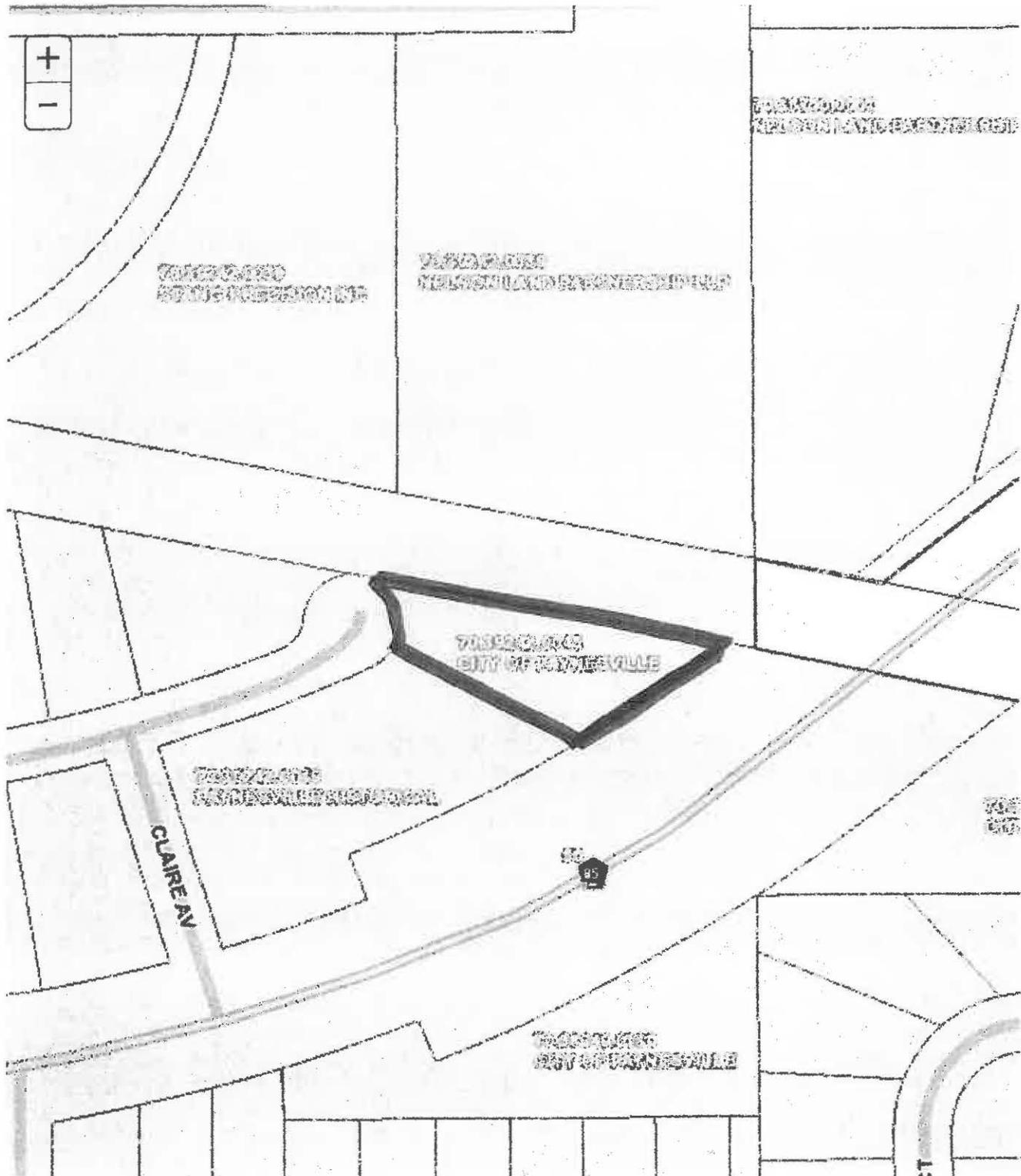
CHANGE: 0.00

7



PAYNESVILLE, MINNESOTA
WATER TREATMENT FACILITY IMPROVEMENTS

8



- [Search](#)
- [Layers](#)
- [Draw](#)
- [Tools](#)
- [Legend](#)

a

**REPORT & RECOMMENDATION OF PLANNING COMMISSION
ON APPLICATION FOR VARIANCE**

WHEREAS, the City Administrator has received from the City of Paynesville a Variance Application signed by the Mayor of the City to allow the following:

The construction of an additional structure adjacent to the existing wastewater treatment facility, which structure would be located 5.14 feet from the rear property line, which does not meet the 20 foot setback requirement of Chapter 11, Section 11.41, Subd. 5(A), requiring a 20 foot rear yard setback; which also would be 6.84 feet from the sideline of the property which does not meet the 10 foot side setback requirement of Chapter 11, Section 11.41, Subd. 5(A), and the water treatment process requires a tower which will extend 37 feet above ground elevation, which exceeds the maximum height limitation of 35 feet contained in Chapter 11, Section 11.41, Subd. 5(D); and

WHEREAS, the City of Paynesville is the owner of a parcel of property located at 271 Ampe Drive, Paynesville, MN 56362; and

WHEREAS, the property at issue is more particularly described as Parcel Nos. 70.39242.0045, and legally described as follows, to-wit:

Lot Six (6), Block Four (4), Pay-Del-Co, according to the plat and survey thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota; and

SA

WHEREAS, the Planning Commission believes that the owner's use of the property as proposed would be:

- a) _____ Unreasonable; or
- b) _____ Reasonable

because it ties into the improvements already existing on the property; and

WHEREAS, the Planning Commission believes that the landowner's difficulty in complying with the strict requirements of the zoning ordinance is:

- a) _____ Due to circumstances unique to the property and not caused by the landowner;
- b) _____ Is not due to circumstances which are unique to the property or is due to circumstances that were caused by the landowner;

because _____; and

WHEREAS, The Planning Commission finds that the Variance, if granted:

- a) _____ Will not alter the essential character of the locality; or
- b) _____ Will alter the essential character of the locality;

because _____; and

WHEREAS, the Planning Commission finds that the Variance, if granted:

- a) _____ Will be in harmony with the general purpose and intent of

the zoning ordinance and the Comprehensive Plan; or

- b) _____ Will not be in harmony with the general purpose and intent of the zoning ordinance and the Comprehensive Plan;

because _____.

THEREFORE, the Planning Commission recommends that the request for Variance be:

- a) _____ Granted; or
- b) _____ Denied.

PAYNESVILLE PLANNING COMMISSION

By: _____
Ron Mehr, Chairperson

ATTEST:

Renee Eckerly, City Administrator

AC

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: August 1, 2016

Agenda Section: Old Business

Originating Department: Administration

Item Number: IV - A

ITEM DESCRIPTION: Zoning Ordinance Amendments - Codification

Prepared by: Staff

COMMENTS:

Please bring your ordinance packet with you from the last meeting.

Renee Eckerly will give a verbal report on the codification and the proposed revisions made to the Zoning chapter of the City's Ordinance Book. Some changes/additions include:

- Re-arrangement of the sign section with new language
- Added a section to address wind energy
- Added a section to address solar energy
- Added a section on intermodal containers
- Added a number of definitions
- Added a section on Opting-Out Requirements Of New Law – Temporary Family Health Care Dwellings
- Plus a number of other revisions

Please review the attached email and Report & Recommendation from City Attorney, Bill Spooner.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the Report & Recommendation Of Planning Commission On Amendments To City Code Chapter 11, Entitled "Land Use Regulations (Zoning)" and recommend such to the City Council.

Jennifer Welling

From: Spooner & Glenz <jen@spoonerglenz.com>
Sent: Thursday, July 21, 2016 3:40 PM
To: Jennifer Welling
Cc: Renee Eckerly
Subject: Zoning Ordinance
Attachments: REPORT.RECOMMENDATION.ZONING.ORDINANCE.docx

Jennifer:

Because Planning hasn't finished with its consideration I am not sure exactly how to finish this Report recommending approval of the zoning changes, but attached is a draft.

The changes to the body of the Zoning Ordinance in the packet for Planning were still handwritten, so nothing had been put in a formal format. I don't know if that is going to be done between now and the time this goes to Council or not.

My take is that Planning is likely to approve all the changes, subject to some tweaks to the sign ordinance, but the Planning Commission never really got into discussion of anything other than the sign ordinance in the time that they took to consider this matter immediately following the public hearing. I am not sure where their discussions will take them at their next hearing where they expressed an intent to continue the discussion.

I would certainly suggest that before the Planning Commission ends its consideration that they affirmatively vote to adopt the changes generally that Renee has marked up in Chapter 36, that they vote to adopt the additional provisions related to wind, solar, the opt-out provision and the intermodal containers provision, and then that they take whatever action they think is appropriate regarding signs. Obviously if they propose some changes to the general provisions that Renee has set forth in Chapter 36, we would just note those in what we pass on to Council, but I think they should act on each of the various items before them individually, and then your report would reflect that on the Council.

Jen Heinen
Legal Assistant
SPOONER & GLENZ LAW OFFICES, PLLC
113 Washburne Avenue
Paynesville, MN 56362
Office: (320) 243-3748
Email: jen@spoonerglenz.com

**REPORT & RECOMMENDATION
OF PLANNING COMMISSION ON AMENDMENTS TO CITY CODE
CHAPTER 11, ENTITLED "LAND USE REGULATIONS (ZONING)"**

WHEREAS, the City of Paynesville is in the process of re-codifying its City Ordinances; and

WHEREAS, in connection with that process the City of Paynesville is considering various changes to its Zoning Ordinance including the following:

1) Modifying generally the provisions of Section 11.14 entitled "Signs".

2) Adding a section addressing wind energy.

3) Adding a section addressing solar energy.

4) Adding a section addressing intermodal containers.

5) Adding a number of definitions to the Zoning Ordinance.

6) Adding a section opting out of the temporary family health care dwelling provisions of State Law.

7) Revising a number of provisions within the Zoning Ordinance to more fully describe permitted and prohibited activities in various zones.

8) Making technical changes such as changing references to "mobile homes" through the ordinance to refer to them as "manufactured homes", along with numerous other minor changes; and

WHEREAS, none of the proposed changes modify the boundary of any zoning district; and

WHEREAS, notice of the public hearing to consider changes to the Zoning Ordinance was posted and published in accordance with the requirements of Minnesota Statute 462.357 and the City Code of the City of Paynesville; and

WHEREAS, a public hearing was held at Paynesville City Council chambers, Paynesville City Hall, on July 18, 2016, commencing at 6:05 p.m., and all persons desiring to be heard on the proposed amendments to the Zoning Ordinance were given an opportunity to do so;

WHEREAS, the Planning Commission held a discussion of the proposed changes following the public hearing on July 18, 2016, and then continued its discussions to its next scheduled Planning Commission meeting on August 1, 2016, at 6:00 p.m., in order to allow staff to obtain additional information, which information was reported to the Planning Commission and consideration of the proposed amendments and additions to the Zoning Ordinance were continued, and the members of the Planning Commission, on the motion of _____, seconded by _____, and unanimously approved, recommended approval of the proposed amendments and additions to the zoning ordinance with comments as set forth in its recommendation;

NOW, THEREFORE, the Planning Commission recommends approval of the changes to the Zoning Ordinance as presented to the Planning

Commission, subject only to the following additional modifications which the Planning Commission hereby recommends to the City Council, to-wit:

1) That the intermodal container ordinance be adopted and incorporated into the Zoning Ordinance.

2) That the Solar Energy Ordinance be adopted and incorporated into the Zoning Ordinance.

3) That the Wind Energy Ordinance be adopted and incorporated into the Zoning Ordinance.

4) That the changes to definitions and other miscellaneous changes to the Zoning Ordinance be adopted as presented.

5) That the opt-out of the temporary family health care dwelling provisions of the state law be adopted and incorporated into the Zoning Ordinance.

6) That the amendments to Section 11.14, the sign section of the Zoning Ordinance, be adopted with the following specific changes thereto:

Dated this _____ day of _____, 2016.

PAYNESVILLE PLANNING COMMISSION

By: _____
Ron Mehr, Chairperson

ATTEST:

Renee Eckerly, City Administrator

Building Inspection Report

Brad Mehlhop

August 1st, 2016

This is a breakdown of the number of permits issued and the revenue received as of July 28, 2016.

Total number of permits issued:	55
Total valuation of work being done:	\$931,332.44
Total revenue (city):	\$9,896.50
Total state surcharge:	\$487.65
<u>Total plan review fees</u>	<u>\$724.18</u>
Total fees:	\$13,408.33

As a comparison, the following is a breakdown of the year 2015 from January 1st through July 28, 2015.

Total number of permits issued:	75
Total valuation of work being done:	\$831,739.65
Total revenue (city):	\$10,088.75
Total state surcharge:	\$648.86
<u>Total plan review fees:</u>	<u>\$1,466.34</u>
Total fees:	\$12,353.95

Brad Mehlhop
Building Official