

WASECA PLANNING COMMISSION
MONDAY, NOVEMBER 7, 2016
7:00 P.M.
CITY COUNCIL CHAMBERS
508 SOUTH STATE STREET

Any person speaking to the Commission shall first give to the Recording Secretary of the Commission their full name and address prior to speaking

1. CALL TO ORDER/ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A) October 11, 2016

4. PUBLIC COMMENT

5. TRAFFIC SAFETY

6. NEW BUSINESS

A) Action No. 16-11_RV; Vacation of Alley, Alex & Devin Yenish, 521 8th Street NE

7. DISCUSSION ITEMS

A) Update of Previous Planning Commission Items

- December 2015: Action No. 15-14_TA; Shoreland Overlay Ordinance,

8. OTHER

9. NEXT MEETING

The next Planning Commission meeting is scheduled for Tuesday, December 13, 2016 at 7:00 p.m.

10. ADJOURNMENT

Upon request, accommodations will be provided for individuals with disabilities wishing to participate

MINUTES

REGULAR WASECA PLANNING COMMISSION TUESDAY, OCTOBER 11, 2016 7:00 P.M.

1 CALL TO ORDER/ROLL CALL

The Waseca Planning Commission meeting was called to order by Vice-Chair Kay Neuendorf at 7:00 p.m.

Members Present: Roger Ashland
Kay Neuendorf
Lori Pommerenke
Robin Terrell

Members Absent: Nicholas Elsner
Byron Larson
Fred Salsbury

Staff Present: Daniel Lenz, City Manager
Samantha Meyer, Community Development Intern
Ranae Schult, Community Development Assistant

2 APPROVAL OF AGENDA

It was moved by Ashland seconded by Pommerenke, to approve the agenda as presented; the motion carried 4-0.

3 APPROVAL OF MINUTES

It was moved by Terrell, seconded by Pommerenke, to approve the minutes of the September 13, 2016 regular Planning Commission meeting as presented; the motion carried 4-0.

4 PUBLIC COMMENTS

No Public Comments were received.

5 TRAFFIC SAFETY

No Traffic Safety items were submitted.

6 NEW BUSINESS

**A) Action No. 16-10_CUP: Conditional Use Permit Amendment;
 Dixon Diebold, State Street Commercial Condominium Association,
 1200 - 1300 North State Street**

Dixon Diebold, on behalf of State Street Commercial Condominium Association, owner of property located at 1200-1300 North State Street, is requesting an amendment to an existing Conditional Use Permit to a deviation from the landscaping and tree requirements along State Street North. The property is zoned B-2, Community Retail and Service Business District, and is occupied by a large retail building, which currently houses Hy-Vee grocery store and other small businesses. A new Bomgaar's store occupies the northern half of the building.

A complete application was received on September 20, 2016. Final action is required within 60 days of the complete application date, and must be taken by November 19, 2016.

In November 1985, Amcon Corporation was granted a Conditional Use Permit (CUP) for the development of a retail and office plaza at 1200 – 1300 North State Street. The permit was granted with two (2) conditions and sub-conditions. The conditions were agreed to on December 3, 1985.

According to the existing CUP from 1985, Conditions 1a and 1b state: “a. *That adjustments in site design be made to accommodate at least a 10-foot wide landscaped strip fronting both North State Street and 3rd Street N.E*”, and “b. *That said landscaping shall consist of ten (10) deciduous and coniferous trees one inch in diameter, grass or other natural ground cover.*” Currently there are zero (0) trees in the 10-foot wide landscaping strip along the side of the property fronting North State Street.

Included in Staff's packet to the Planning Commission, was a letter received from the Waseca Area Chamber of Commerce Executive Officers and a letter from Kacie Bonjour, Director of Real Estate for Hy-Vee, in support of the Conditional Use Permit Amendment request.

Staff provided the following Findings of Fact for consideration in conjunction with the Conditional Use Permit application to the Planning Commission:

- The use will not create an excessive burden on the existing parks, schools, streets and other facilities which serve or are proposed in the area;
- The use is sufficiently compatible so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land;
- The structure and site will have an appearance that will not have an adverse effect upon adjacent residential properties;
- The use is reasonably related to the overall need of the City and to the existing land use;
- The use is consistent with the goals and objectives of the Comprehensive Plan;
- The use will not cause traffic hazards or congestion; and
- Adequate access roads, drainage and necessary facilities are provided.

Staff recommends denial of the Amendment to the Conditional Use Permit removing the tree requirement along State Street North at the site located at 1200-1300 State Street North for the following reasons:

1. It is inconsistent with the goals of the Comprehensive Plan which states, *“Trees have historically contributed to the Waseca community quality of life. Trees enhance recreation areas, beautify unique features, and screen unsightly locations.”*
2. The requirements outlined in the existing Conditional Use Permit are significantly less strenuous than the requirements under the current Zoning Code, which would require the planting of 15 overstory trees and 75 shrubs. These planting requirements are intended to soften, or “screen”, the view of large, un-landscaped parking lots, which would be considered an “unsightly location”.
3. It is inconsistent with the Waseca City Council’s Strategic Plan which states: *“Strategy: Improve community aesthetic through increased communication about and enforcement of property maintenance and landscaping requirements”* and *“Develop procedures for staff to regularly review CUPs and Variances to ensure compliance with requirements.”*

Discussion was held regarding the City doing what they can to attract businesses to Waseca versus the need for adhering to the Zoning Code.

Vice-Chair Neuendorf opened the Public Hearing at 7:11 p.m.

Dixon Diebold, 3336 Humboldt Avenue South, Minneapolis, MN, manager of State Street Commercial Condominium Association, stated that his company purchased the strip mall, which contains Hy-Vee and some smaller businesses, and brought in Bomgaars to fill in a large building on the north side of the strip mall that was vacant for approximately 10 years. Mr. Diebold commented that he is from a small Minnesota town, and realizes the importance for small towns to attract businesses. Mr. Diebold stated there is not much frontage on this property, and when he contacted the City Arborist about the trees located on the frontage, he was told he could do what he wanted with the trees, so he had them removed. Mr. Diebold stated he feels that rules are important to follow, but reiterated that he was told these trees could be removed. Mr. Diebold stated that Bomgaars and Hy-Vee are excited about the exposure given from the removal of the trees.

Mr. Diebold stated the original Conditional Use Permit from 1985 required minimal screening in the back of the vacant building. Bomgaars has now planted more trees and shrubs than were required in order to screen the property from the residential areas and be a good corporate neighbor. Danny Lenz, City Manager, stated the City did offer to purchase any excess trees and shrubs, but Bomgaars reiterated they would plant them all to make it nice for the residential area – they did plant more than three trees.

Commission member Terrell inquired if Mr. Diebold had access to the original Conditional Use Permit. Mr. Diebold stated the CUP did not appear in the title work. Apparently, no one knew this CUP existed. Mr. Diebold stated he wants to keep positively moving forward on this project. Mr. Lenz stated that Staff was unable to locate a recorded document, but were able to locate many changes and additions which referenced the original CUP.

Britt Fossum, 817 10th Avenue NW, Waseca, MN, stated she is at this meeting on behalf of Hy-Vee, and she is very excited the trees are gone. Ms. Fossum stated Hy-Vee is more visible than ever before, and this is very important for business. Ms. Fossum stated that Bomgaars will be a great asset to the community, and reiterated the importance of visibility from State Street.

Vice-Chair Neuendorf read a letter from Torrey Wingert, Vice President/CFO, Bomgaars, *“requesting strong consideration to this Amendment so that our business can prosper to its full potential”*. Chair Neuendorf requested the letter to be included in the record.

Kim Foels, Director, Waseca Area Chamber of Commerce, 112 North State Street, Waseca, MN, stated that a letter from the Waseca Area Chamber of Commerce Executive Officers was provided to the Planning Commission in their packet. Ms. Foels commented there are no trees on the west side of State Street North and all the businesses are very visible. Ms. Foels stated that in “retention” of businesses, visibility is very important.

Vice-Chair Neuendorf closed the Public Hearing at 7:35 p.m.

Considerable discussion was held regarding the benefits of landscaping and how it is aesthetically appealing to the community versus the need to positively work with businesses in the community and assist them.

Comments by the Planning Commission were also made regarding the 18 months of work the Planning Commission and City Council did to adopt a new Zoning Code, and now we want “pick and choose” what we want to use.

It was moved by Ashland, seconded by Neuendorf, to forward a recommendation to approve the request for an Amendment to the Condition Use Permit from State Street Commercial Condominium Association to the Waseca City Council at their October 18, 2016 meeting; the motion tied 2-2 (nay, Pommerenke, Terrell).

Mr. Lenz stated the Planning Commission could choose to table the request to the November Planning Commission meeting, or send to the City Council without a recommendation.

It was moved by Ashland, seconded by Neuendorf, to forward no Planning Commission recommendation on the Conditional Use Permit Amendment request to the Waseca City Council; the motion carried 4-0.

7 DISCUSSION ITEMS

A) Update of Previous Planning Commission Items

No additional items were presented at the November 2015 Planning Commission meeting.

8 **OTHER**

- Commission member Terrell inquired if Staff follows-up on Conditional Use Permits. The City Manager stated that a plan was being established to have a 3-5 year plan for following up on these requests. However, to date a procedure has not been put in place.
- Commission member Terrell inquired if there is any update on property located on 2nd Street NW. The City Manager stated there was progress on the cleanup of this property, but then the flood occurred. This is high on the Community Enhancement Technician's list and he is following up with the property owners.
- Commission member Terrell inquired if shrubs could be used for landscaping. The City Manager stated the new code addresses this issue with verbiage of "overstory" and "understory" trees.
- Commission member Pommerenke inquired as to signage requirements. The City Manager stated the signage requirements for the Bomgaar's/Hy-Vee stores are based on store front square footage.
- The City Manager provided a brief update on a media event being held on Wednesday, October 12th at 10:00 am with FEMA and Emergency Management. The City Manager stressed there are no funding guarantees.
- Commission member Ashland commented that a big complaint in the City is that City Hall is not business friendly. He feels Staff should have backed this CUP Amendment request 100%. He stated that rules should be bent to help businesses.

9 **NEXT MEETING**

The next Planning Commission meeting is scheduled for Monday, November 7, 2016 at 7:00 p.m.

10 **ADJOURNMENT**

It was moved by Ashland, seconded by Pommerenke, to adjourn the meeting at 8:00 p.m.; the motion carried 4-0.

Ranae Schult
Community Development Assistant

**PLANNING DEPARTMENT
M E M O R A N D U M**

TO: Nicholas Elsner, Chair
Waseca Planning Commission

FROM: Daniel Lenz
City Manager, City of Waseca

MEETING DATE: November 7, 2016

SUBJECT: Public Hearing-Action No. 16-11 Vacation of Alley: 521 8th St NE

ATTACHMENTS: Site Location Map
Application Narratives
Original Plat

APPLICANT

Alex and Devin Yenish, owners of the property located at 521 8th Street NE in Waseca. A complete application was received on September 27, 2016. Final action, which is required within 60 days of the complete application date, must be taken by November 26, 2016.

REQUEST

The applicant is requesting the vacation of an alley located to the west of 521 8th Street NE with former entry at 6th Avenue NE on property zoned R-2 Urban Residential District.

LOCATION

The alley is located at to the west of 521 and 525 8th Street NE and to the east of 718 6th Avenue NE in the Hartley Heights Addition.

LAND USE

The alley is no longer in use and has been converted to grass yards maintained by the individual property owners. There are three residential properties with single family homes that border the alley, all zoned R-2 Urban Residential.

ZONING

The alley is zoned R-2 Urban Residential as is all surrounding property.

ENVIRONMENTAL

There are no known environmental concerns for the alley.

REVIEW

In September 2016 legal counsel for the properties located at 521 and 525 8th Street NE in Waseca submitted a completed application for the vacation of an alley to the west of the properties. This alley is not in use by the City of Waseca and has been maintained by the property owners for several years.

FINDINGS

In granting a Vacation of Alleyway:

1. The use will not create an excessive burden on the existing parks, schools, streets and other facilities which serve or are proposed in the area;
2. The use is sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land;
3. The structure and site will have an appearance that will not have an adverse effect upon adjacent residential properties;
4. The use is reasonably related to the overall need of the City and to the existing land use;
5. The use is consistent with the goals and objectives of the Comprehensive Plan
6. The use will not cause traffic hazards or congestion; and
7. Adequate access roads, drainage and necessary facilities are provided.

RECOMMENDATION

Staff recommends approval of the vacation of alleyway located at 6th Avenue NE on property zoned R-2 Urban Residential District.

REQUESTED ACTION

Hold a public hearing on the Vacation of Alley request and take action on a recommendation to be forwarded to the City Council for consideration at their November 15, 2016 meeting.



APPLICATION FOR VACATION OF
PUBLIC EASEMENT
RIGHT OF WAY
ALLEY

FEEES

Application fee (non-refundable) payable to City of Waseca:
\$250.00 + Associated City Costs such as legal fees
Recording Fee payable to Waseca County Recorder's Office:
\$46.00

Alex + Devin Yenish
1. Name of Petitioner (first) (middle) (last)

521 8th ST NE, WASECA 507 461 1369 devin.yenish@gmail.com
2. Address of Petitioner Phone Number e-mail address

3. Type of Request: Public Easement (Drainage, Utility, Right of Way, Trail)
Public Street
 Public Alley

See description of PARCEL A and PARCEL B attached
4. Legal Description of Easement/Right of Way proposed to be vacated

Jones Haugh Smith 50745/4598 scottt@jhseus.com
5. Surveyor Name and Address 6. Surveyor Phone Number Surveyor e-mail

7. Engineer Name and Address 10. Engineer Phone Number Engineer e-mail

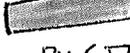
8. Required Submittals

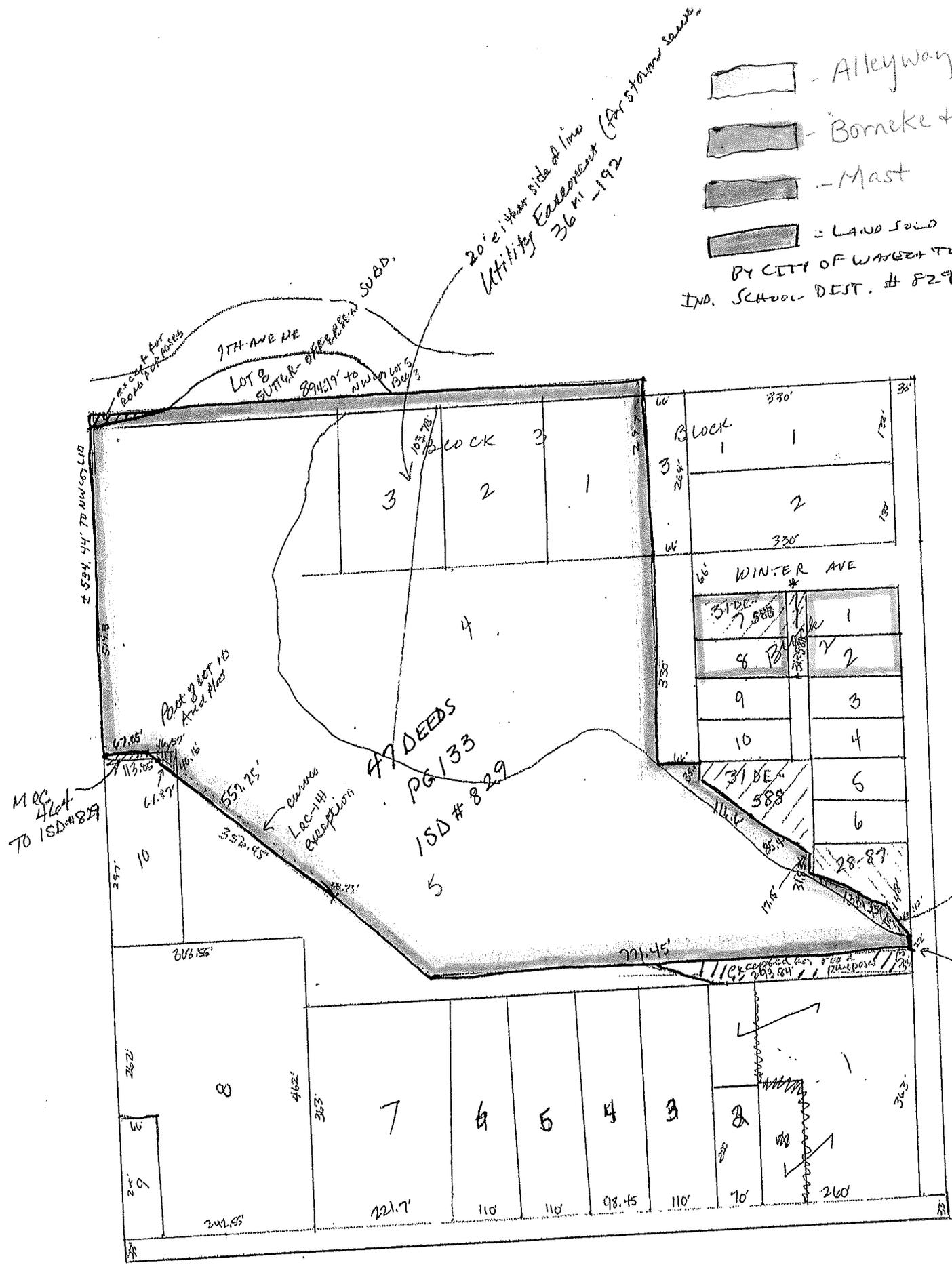
- Legal Description of area to be vacated
- Application Fee
- Plat or Survey showing the area to be vacated
- Narrative describing the request and reasons for such request
- Petition signed by a majority of the owners abutting the area to be vacated (this application form may be used as the petition-if all required signatures appear on this form).

9. Acknowledgement and Signature: The undersigned hereby represents upon all of the penalties of law, for the purpose of inducing the City of Waseca to take the action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the ordinance of the City of Waseca and the laws of the State of Minnesota. The undersigned hereby consents that City of Waseca officials, employees, appointed commissioners and consultants hired by the City may enter the property to inspect the layout of structures, proposed placement of planned structures and additions, and the property's site features and dimensions. The undersigned agrees to pay all costs associated with the vacation request.

Roy Yonah 521 8th St NE, Waseca 09/26/16
Name and Address Date
521 8th ST NE, WASECA 09/26/16
Name and Address Date
Amy Bourneke 14323 Rivalake Drive Waseca 9-27-16
Name and Address Date
Name and Address Date
Name and Address Date



-  - Alleyway
-  - Borneke + Bramer
-  - Mast
-  - LAND SOLD BY CITY OF WAGNER TO IND. SCHOOL DIST. # 829



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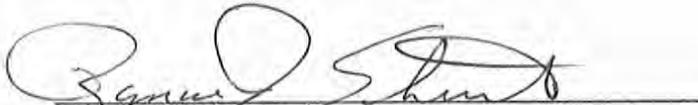
CITY OF WASECA
PLANNING AND ZONING
AFFIDAVIT OF DISTRIBUTING NOTICES

State of Minnesota

Case Number:
Request:

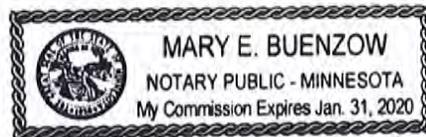
16-11 Vacation of Alley
Alex & Devin Yenish, 521 8th Street NE

I do solemnly swear that on Wednesday, October 26, 2016, a copy of the attached Notice of Public Hearing was mailed to the attached list of property owners at the addresses appearing with their respective names in accordance with Minnesota Statute 462.357, Subdivision 3.


Ranae Schult
Community Development Assistant

Sworn to me this 26th day of October, 2016

Mary E Buenzow
Notary Public



CITY OF WASECA PLANNING COMMISSION PUBLIC HEARING NOTICE

NOTICE is hereby given that the **City of Waseca Planning Commission** will hold a public hearing at **7:00 p.m., Monday November 7, 2016** in the **COUNCIL CHAMBER ROOM LOCATED AT CITY HALL**, 508 South State Street, Waseca, MN. The purpose of the hearing is to gather information from the public and make a recommendation to the City Council regarding the following:

- **VACATION OF ALLEY IN HARTLEY HEIGHTS ADDITION**

Property owners in the Hartley Heights Addition are requesting a vacation of a city alleyway at 6th Ave NE to the west of 521 and 525 8th Street NE.

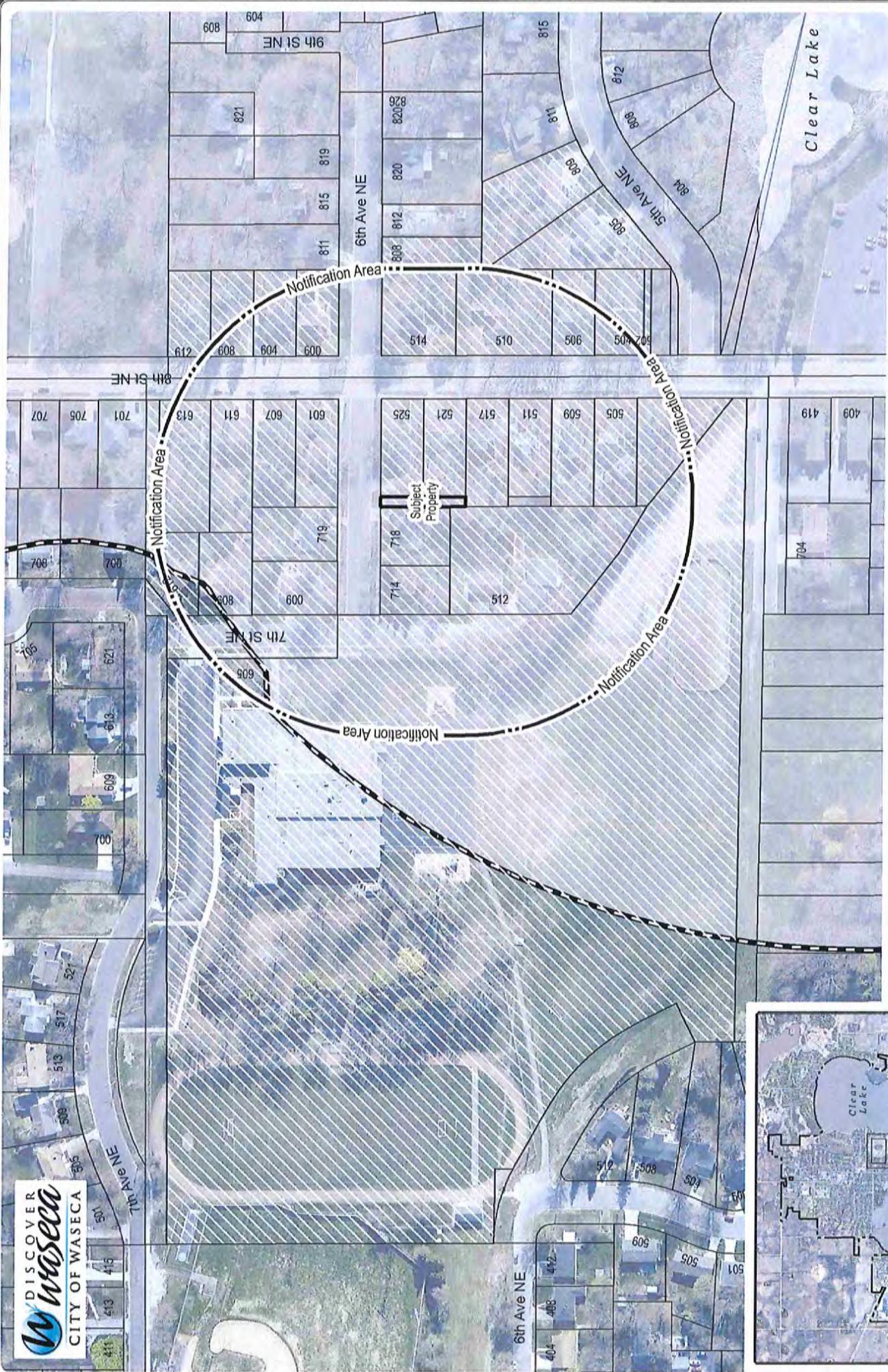
Those interested in commenting may appear in person or by counsel or may submit written comments to the City of Waseca Community Development Department, 508 South State Street, Waseca, MN 56093.

Upon request, accommodations will be provided to allow individuals with disabilities to participate in all City of Waseca services, programs and activities.

A map showing the location of the request is included with this notice.

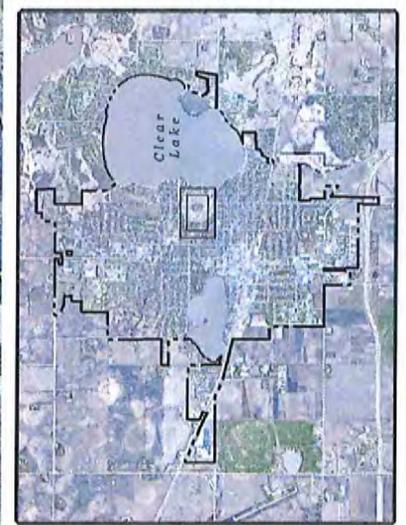
Bill Green
Community Enhancement Technician
507.835.9738
billg@ci.waseca.mn.us

October 26, 2016



- Legend**
- Notification Area
 - Notified Properties
 - Subject Parcel
 - Parcels
 - Shoreland Overlay

SITE MAP
 Borneke, Mast And Yenish Alley Vacation
 718 6th Ave NE - PID 171090180
 521 8th St NE - PID 171090120
 525 8th St NE - PID 171090110



31 included
Wed. Oct. 26, 2016

Ronald Jansen
808 6th Avenue NE
Waseca, MN 56093

Howard & Debbie Hoyme
809 5th Avenue NE
Waseca, MN 56093

Daniel & Terry Stahl
805 5th Avenue NE
Waseca, MN 56093

Michael & Lorelle Sexton
600 8th Street NE
Waseca, MN 56093

Jesse & Misty Hagglund
604 8th Street NE
Waseca, MN 56093

Robert & Dorean Sleen
608 8th Street NE
Waseca, MN 56093

Jana Soeldner-Danger
Terry Danger
618 North Rainbow Drive
Hollywood, FL 33021

Mark & Justine Meyer
514 8th Street NE
Waseca, MN 56093

Ronald & Randee White
510 8th Street NE
Waseca, MN 56093

Michael & Brenda Patterson
506 8th Street NE
Waseca, MN 56093

George Langland
502 8th Street NE
Waseca, MN 56093

Nancy Lehman
504 8th Street NE
Waseca, MN 56093

Bradley & Leah Dushaw
611 8th Street NE
Waseca, MN 56093

Jeanne Kipp
601 8th Street NE
Waseca, MN 56093

Russell & Shirley Dahnert
607 8th Street NE
Waseca, MN 56093

Jennifer Gleason/Christopher Bartelt
608 7th Street NE
Waseca, MN 56093

James & Rebecca Ferch
600 7th Street NE
Waseca, MN 56093

Christopher Devetter
719 6th Avenue NE
Waseca, MN 56093

Amy Borneke
15678 355th Avenue
Waseca, MN 56093

Devin Bramer/Alex Yenish
521 8th Street NE
Waseca, MN 56093

Blair & Deanne Nelson
521 7th Avenue NE
Waseca, MN 56093

William Foster
617 8th Street NE
Waseca, MN 56093

David & Penny Anderson
505 8th Street NE
Waseca, MN 56093

Timothy & Nicole Perrizo
509 8th Street NE
Waseca, MN 56093

Maxine Klammpe
714 6th Avenue NE
Waseca, MN 56093

Craig Mast
718 6th Avenue NE
Waseca, MN 56093

Jerome Hesch
613 8th Street NE
Waseca, MN 56093

Charles & Irma Ross
701 8th Street NE
Waseca, MN 56093

Gary & Linda Hein
612 7th Street NE
Waseca, MN 56093

David & Penny Anderson
505 8th Street NE
Waseca, MN 56093

Michael & Judith O'Neil
512 7th Street NE
Waseca, MN 56093

City of Waseca
508 South State Street
Waseca, MN 56093

Independent School District #829
501 Elm Avenue East
Waseca, MN 56093

PLANNING DEPARTMENT M E M O R A N D U M

TO: Nicholas Elsner, Chair
Waseca Planning Commission

FROM: Bill Green
Community Enhancement Technician

MEETING DATE: November 7, 2016

SUBJECT: Status Report on Planning Commission Items

Listed below is the previous Planning Commission item from the December 2015 meeting and the current status:

December 8, 2015:

- **Action No. 15-14_TA: Shoreland Overlay Ordinance**

The City of Waseca requested an update to various portions of the Waseca Code of Ordinances, Chapter 154 Zoning, Shoreland Overlay District, text to bring the ordinance into compliance with current State Of Minnesota and Department of Natural Resources (DNR) standards.

At a vote of 6-0, the Planning Commission concurred with Staff's recommendations and forwarded their recommendation to the Waseca City Council. The Waseca City Council met on December 15, 2015, and at a vote of 7-0 set the public hearing date to January 5, 2016. On January 5, 2016, the Waseca City Council adopted Ordinance 1040.