



**PLANNING and ZONING COMMISSION  
MINUTES  
JANUARY 11, 2011**

**Albertville Council Chamber**

**7:01 PM**

**CALL TO ORDER – ROLL CALL**

The meeting was called to order at 7:01 p.m.

**PRESENT:** Chair Frank Kocon, Commission members Natalya Lindberg, and Dale Edgren

**OTHERS:** Council liaison Dan Wagner, City Planner Al Brixius, Zoning Administrator/  
Building Official Jon Sutherland, and City Clerk/Recording Secretary Bridget Miller

**ABSENT:** Commission members Robert Olson and Brian Totman

**ADOPT AGENDA**

**P&ZCMs** Edgren/Lindberg **motioned** to approve the Tuesday, January 11, 2011 agenda as presented, which will be scanned and an electronic copy will be kept on file in the office of the City Clerk. Motion carried unanimously.

**MINUTES**

**P&ZCMs** Lindberg/Edgren **motioned** to approve the Wednesday, September 15, 2010 regular Planning and Zoning Commission minutes as presented, the minutes will be scanned and an electronic copy will be kept on file in the office of the City Clerk. Motion carried unanimously.

**PUBLIC HEARINGS**

**AMENDMENTS TO THE FENCE REGULATIONS, SECTION 1000.6.A AND SECTION 1006.J.  
(TEMPORARY FENCES) OF CHAPTER 1000 OF THE ALBERTVILLE ZONING ORDINANCE  
(APPENDIX A)**

Chair Kocon opened the public hearing at 7:05 p.m.

City Planner Brixius began the discussion stating that in June 2010 the Planning Commission reviewed the issues related to the placement of a temporary fence that was installed for the 2009-2010 winter season. In 2009, the City received complaints regarding the location, appearance, and the duration of a temporary fence from the neighbors.

Brixius continued noting that within the Albertville City Code Appendix A (known as the Zoning Ordinance) in Section 1000.6 deals with fences. Under Provision A it states that it is illegal for any person, except on a farm and related to farming, to construct or erect a fence within the City without a fence permit. Based on this provision, the City has informed the past violators that temporary fences are prohibited.

Brixius explained that in some cases temporary fences may be acceptable or necessary such as those to secure a construction site. Yet, the question still remains “should the ordinance be amended to make some accommodation for the allowance of temporary fences?”

Staff initially presented this information to the Commission in September 2010, with the outcome to pursue the consideration to amend the Albertville City Code. The suggestions and or recommendations to amend the regulations are as follows:

1. Construction site fences
2. Residential garden fences
3. Snow fences

Below are the proposed changes to the Albertville City Code, Appendix A (Zoning Ordinances) Section 1000.6.

1000.6.J. Exception to Fence Permits. The following temporary fences may be installed or erected without a fence permit:

1. Construction fences needed to secure a construction or excavation site, provided:
  - a. The project site has an active building permit, demolition permit, or excavation permit.
  - b. Said fence location is approved by the City Building Official.
2. Garden fences used to protect gardens, shrubs or landscaping from damage from animals or ornamental fencing that accents a landscape feature may be allowed within a residential zoning district provided:
  - a. Garden fences shall not exceed forty-two (42) inches in height.

- b. Garden fences shall not be a boundary line fence and shall not be located closer than five (5) feet from any lot line.
3. Snow fences for the purpose of controlling drifting snow shall be allowed provided:
  - a. Snow fences shall not be a boundary line fence and shall not be located closer than five (5) feet from any lot line.
  - b. Snow fences shall not be located in the front yard of any residential lot.
  - c. Snow fences shall be of a temporary design. These fences shall not be installed prior to November 15<sup>th</sup> and shall be removed no later than March 15<sup>th</sup>.
4. Any fences related to an active farm and/or permitted farming activity.

Staff has published the notice informing the residents there is a public hearing to express their opinion on the temporary fence ordinance amendment.

Chair Kocon opened up the public hearing to the Commission members' comments.

Commission member Lindberg asked why five (5) feet away from the property instead of two (2) feet. Brixius commented the five (5) feet is the side yard setback.

Chair Kocon appeared to be in agreement with the proposed ordinance amendment; however, Commission member Edgren inquired if this pertained to residential property or if it applies to all property that would include the homes along CSAH 37 zoned commercial or agricultural.

Brixius noted this would apply towards residential more so than commercial or agricultural.

Chair Kocon opened up the public hearing to the general public.

There was no one in the audience to comment on the proposed language pertaining to signage throughout Albertville.

Chair Kocon closed the public hearing at 7:12 p.m.

**P&ZCMs Edgren/Lindberg motioned** to approve **Ordinance No. 2011-001** entitled an Ordinance Amending Section 1000.6 (Fences) of Chapter 1000 (General Building and Performance Requirements) of Appendix A (Zoning Ordinance) of the 2005 Albertville Municipal City Code Relating to Temporary Fence Regulations as proposed. Motion carried unanimously.

AMENDMENTS TO SIGN REGULATIONS, TITLE 10, CHAPTER 7 OF THE ALBERTVILLE CITY CODE RELATED TO NUMBER OF TEMPORARY SIGNS PERMITTED

Chair Kocon opened the public hearing at 7:13 p.m.

City Planner Brixius began by commenting business owners approached staff in 2009 inquiring about the possibility of increasing the number of temporary portable signs allowed in a year. The maximum is four (4) per year per building. The US and other countries have experienced tough times with the economic woes. Albertville amended the ordinance in 2010 to increase the number to six (6) per year that expired December 31, 2010. Staff is suggesting extending the allowance to December 31, 2012.

Chair Kocon opened up the public hearing to the Commission members' comments.

Chair Kocon and Commission member Edgren were in agreement to allow business owners the ability to have six (6) temporary portable signs for a temporary length. Commission member Lindberg did not agree with the amendment and would like to keep it at four (4) per year. Lindberg thought four (4) temporary signs per year would be sufficient.

Chair Kocon opened up the public hearing to the Commission members' comments.

Business owner Joe Holtz of Neighbor's Eatery and Salon commented that six (6) signs per year does not allow many businesses to display specials or sales. Mr. Holtz also shared comments about the possibility of amending the sign ordinance pertaining to off-premise signage.

Building Official Sutherland informed the Commission members that he did authorize and allow Neighbor's Eatery and Saloon to place a temporary portable sign on CSAH 37. As Sutherland continued to explain, he noted that other business owners along CSAH 19 apply for a temporary portable sign that is placed within the right-of-way not directly in conjunction with their property. Taking those few businesses into consideration, Sutherland felt the approval or authorization for the Neighbor's Eatery and Saloon temporary portable sign at the end of Main Avenue NE along CSAH 37 would be comparable to what the other sites have done in previous years.

Council liaison Wagner made the suggestion that if you are going to increase the number allowed why not go with eight (8). There are a number of strip malls in Albertville that house multiple tenants, increasing the number to eight (8) per year per building, Wagner did not see it would be that harmful to the City.

Wagner went on to inquire what other communities do when there are multiple tenants in a building and or structure. City Planner Brixius did not have the information at the moment, but would research for the Council meeting.

Chair Kocon closed the public hearing at 7:52 p.m.

**P&ZCMs Lindberg motioned**, no commission member seconded to approve **Ordinance No. 2011-002** entitled an Ordinance Amending Section 7 (General Standards) of Chapter 7 (Sign Regulations) of Title 10 (Building and Development Regulations) of the 2005 Albertville Municipal City Code Relating to the number of Temporary and Portable Signs Allowed as presented. Motion failed due to a lack of a second.

**P&Z Chairman/CMs Kocon/Edgren motioned** to approve **Ordinance No. 2011-002** entitled an Ordinance Amending Section 7 (General Standards) of Chapter 7 (Sign Regulations) of Title 10 (Building and Development Regulations) of the 2005 Albertville Municipal City Code Relating to the number of Temporary and Portable Signs Allowed as amended increasing the number to eight (8) per year until December 31, 2012. Chair Kocon and Commission member Edgren voted aye. Commission member Lindberg voted nay. Motion carried.

#### AMENDMENT TO NON-CONFORMING USE REGULATIONS, SECTION 900.2 OF CHAPTER 900 OF THE ALBERTVILLE ZONING ORDINANCE

Chair Kocon opened the public hearing at 7:55 p.m.

City Planner Brixius informed the Commission members that a single-family home along 60<sup>th</sup> Street NE lost their garage due to a fire. According to the Albertville Zoning District map, this property is zoned B-4 General Business District making the re-establishment of a garage non-conforming use within the site.

Building Official/Zoning Administrator Sutherland advised the homeowner that Minnesota State Statutes 462.357 had been amended a few years ago to allow the reconstruction of a legal non-conforming use or structure lost to fire or peril. Amending the Albertville City Code Appendix A (Zoning Ordinance) to include language similar to the Minnesota State Statutes would give the homeowner the ability to reconstruct the garage if a building permit is submitted in 180 days of the event.

Staff continued commenting that the second part of the change is amending the City Code dealing with extending the time period for abandoned non-conforming use or occupancy to one (1) year.

Chair Kocon opened up the public hearing to the Commission members' comments.

Commission accepted staff's recommendation to take measures to correct the current language relating to non-conforming use in the various areas of the 2005 Albertville City Code as proposed below:

**SECTION 1.** Section 900.2 (Provisions) of Chapter 900 (Non-Conforming Buildings, Structures and Uses) is hereby amended as follows:

900.2. Provisions.

If at any time, a non-conforming building, structure or use shall be destroyed to the extent of more than fifty percent (50%) of its fair market value, said value to be determined by the City, it may be re-established to its prior size and form, but not expanded, if the property owner applies for a building permit within one hundred eighty (180) days of the damage event. If no building permit is applied for within the specified time period, then . . .

Chair Kocon opened up the public hearing to the members present in the audience, which there were no additional comments made.

Chair Kocon closed the public hearing at 8:00 p.m.

**P&ZCMs Lindberg/Edgren motioned** to approve **Ordinance No. 2011-003** entitled an Ordinance Amending Section 900.2 (Provisions) of Chapter 0900 (Non-conforming Building Structures and Uses) of Title Appendix A (Zoning Regulations) of the 2005 Albertville Municipal City Code as presented. Motion carried unanimously.

AMENDMENT TO SIGN REGULATIONS, TITLE 10, CHAPTER 7 OF THE ALBERTVILLE CITY CODE RELATED TO LOCATION OF WALL SIGNS

Chair Kocon opened the public hearing at 8:01 p.m.

City Planner Brixius reported that Space Aliens recently requested to place a business sign on a wall that does not abut a public right-of-way. According to the Albertville City Code, allowing a business to install a sign on an exterior wall of a building that does not face a street is not allowed.

As staff analyzed the City Code, they felt revising Title 10, Chapter 7, Section 8 allowing greater flexibility in the placement of business walls signs. Allowing business wall signs to be placed on the side of a building or tenant bay not facing a street right-of-way, provided that no sign is located on the side of a building where the lot directly abuts a residential zoning district.

Chair Kocon opened up the public hearing to the Commission members' comments.

Commission members presented accepted staff's recommendation to take measures to correct the current language relating to signage in the various areas of the 2005 Albertville City Code.

There was no one in the audience to comment on the proposed language pertaining to signage throughout Albertville.

Chair Kocon closed the public hearing at 8:09 p.m.

**P&ZCMs Edgren/Lindberg motioned** to approve **Ordinance No. 2011-004** entitled an Ordinance Amending Section 8 (Permitted Business Signs) of Chapter 7 (Sign Regulations) of Title 10 (Building and Development Regulations) of the 2005 Albertville Municipal City Code as presented. Motion carried unanimously.

### **OTHER BUSINESS**

#### **Appoint 2011 Planning and Zoning Commission Officers**

City Planner Brixius commented that the Chairperson and Vice-chairperson positions expired in December 2010. Since there was no meeting in December 2010 it is recommended that the Commissioner's nominate and appoint those members this evening. The following nominations were made to fill the two (2) positions on the Planning and Zoning Commission.

#### **Chairperson and Vice-chairperson**

**P&ZCMs Edgren/Lindberg nominated and motioned** to appoint Commission member Frank Kocon to serve as the 2011 Chairperson on the Albertville Planning and Zoning Commission. Motion carried.

**P&Z Chairman/CMs Kocon/Lindberg nominated and motioned** to appoint Commission member Dale Edgren to serve as the 2011 Vice-chairperson on the Albertville Planning and Zoning Commission. Motion carried.

### **ADJOURNMENT**

**P&ZCMs Edgren/Lindberg motioned** to adjourn the January 11, 2011 regular Planning and Zoning Commission meeting at 8:15 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk/Secretary