



City of Albertville

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DRAFT
PLANNING AND ZONING COMMISSION MINUTES
TUESDAY, FEBRUARY 10, 2015

1. CALL TO ORDER / ROLL CALL / ADOPT AGENDA:

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

Present: Acting Chair Ron Klecker, Commissioner Jeremy Dominick, and Commissioner Mark Barthel and City Council Representative Walter Hudson.

Absent: Commissioners Natalya Lindberg and Dale Edberg

Staff members present: Alan Brixius and Sue Schwalbe

Others Present/Public: Jacob Steen, 8300 Norman Center, Bloomington, Minnesota
Steve Nelson, 7656 128th Street, Apple Valley, Minnesota

Tim Demery, 6448 82nd Street NE, Monticello, MN 55362
Jeremiah and Chein Curran, 851 Kayla Lane, Hanover, MN 55341
Jason and Jenny Becker, 6733 East Oak Drive, Monticello, MN 55362
Jeremy and Pargi Martin, 5680 Iffert Avenue Ne, St. Michael
Jason and Amanda Richardson, 486 Fourth Street NE, St. Michael
Greg Vetsch, 350 Creekside Drive, St. Michael
Juston Dahmen, 11199 69th Street NE, Albertville
Adam L'Herault, 7534 Lander Avenue NE, Otsego, MN 55301
Duale and Jan Capps, 11631 55th Street NE Albertville
J. Dawn and J. Bremmer, 13947 55th Street NE, St. Michael
Lance Burda, 12455 60th Street NE, Albertville
Chad Bennett, 565 Sycamore Circle NW, St. Michael
Jared Grove, 6572 Mason Avenue NE, Otsego
Stat Puseth, 13399 Hynes Road, Rogers
Samantha and Andrew Grimsle, 111 Rambling Creek Drive, SE. St. Michael
Marcia and Dexter Phillips, 4883 Kassel Avenue NE, Albertville
Melissa Harrison, 5462 Kalland Avenue NE, Albertville
Amanda Conrad, 18689 Traverse Lane, Big Lake, MN 55309

Dominick moved, second by Klecker to approve the agenda as submitted. Motion carried unanimously.

2. APPROVAL OF MINUTES:

Dominick moved, second by Barthel to table approval of the minutes of the October 14, 2014 Planning Commission Minutes.

Motion carried unanimously.

3. APPOINTMENT OF OFFICERS

Barthel moved, second Hudson to nominate Ron Klecker as Planning Commission Chair and Jeremy Dominick Planning Commission Vice-Chair.

Motion carried unanimously.

4. PUBLIC HEARINGS

- a. Public Hearing to consider a request by Westbridge Community Church for a zoning map amendment to rezone Outlot A of Heuring Meadows, located at the northwest corner of Count Road 19 and 53rd Street, from B-2, Limited Business District to P/I, Public Institutional District to allow the development of a church. .**

Alan Brixius presented the planning report dated February 5, 2015 to the Planning Commission for their consideration.

Section 300.1.F of the Albertville zoning ordinance outlines the review criteria for evaluating a change to the City's zoning map. Following these criteria Mr. Brixius offer the following analysis.

1. The Site is guided for commercial land use in the Albertville long range land use map. This land use was originally established for the site in 1998. More recently this land use guidance was reaffirmed with the adoption of the 2012 Vision Study. In review of the requested zoning change finds that it is contrary to the City's long range land use plan and the stated goal and polices of the 2012 Vision Study.
2. The current B-2 limited business zoning is to provide for low intensity retail and service outlet that may be compatible with adjoining residential neighborhoods. This district does not allow for large assembly land uses, as such the rezoning is required to allow a church. A church will have similar use characteristic as commercial during the week, however, large assembly activities go beyond the current B-2 district. The change in zoning will interrupt the proposed land use pattern planned along C.R. 19 and will isolate a single B-2 zoned parcel between the church site and townhomes to the north.
3. The proposed use must conform to all performance standards of the Albertville development codes. Mr. Brixius noted that the rezoning was only a first step. The site exists as an outlot and must be subdivided/ platted before a building permit may be issued. Through the subdivision process the city and applicant must determine how the site will access C.R. 19 and whether this

will be a share access with the site to the north. The institutional use would also require a site and building plan review through the planning commission and city council.

4. The change in zoning cannot tend to depreciate the area where it is proposed. With regard to this item Mr. Brixius offered the following comments.
 - a. The church would have no negative impact on the adjoining residential properties to the west.
 - b. The church will isolate a single B-2 lot to the north. The city has planned to have all the B-2 properties in this area be to developed in a cohesive pattern, with shared access as a means of promoting accumulative customer attraction and business interchange between businesses. The change in zoning will impact the use, design and value of this remaining B-2 lot.
 - c. The change of use will remove 11.5 acres of commercial zoned land for the property taxes. Mr. Brixius compared this site with Shoppes at Prairie Run another B-2 site that generates approximately \$37000 per acre annually in property tax. Using this figure, Mr. Brixius estimated that the subject 11.5 acre site could annually generate \$416,000 in total property taxes when fully developed. The city's share would be approximately 32% or \$133,000. The balance of this amount would go to the county and school district.
 - d. The applicant has offered a service agreement to compensate the city for services in lieu of taxes. The City Attorney has given an opinion that these service agreements are not enforceable. State law exempts religious properties for paying real estate taxes which fund these services.
5. Mr. Brixius indicated that the in-place utilities have the capacity to accommodate either the planned commercial use or the proposed church.
6. Mr. Brixius indicated that the adjoining streets have been designed for commercial development on the subject site. They will have the capacity to accommodate a church. The introduction of any large assembly land use at this time may expedite the need for a traffic signal at 53rd Street and C.R. 19.

At the conclusion, of the Mr. Brixius' presentation he indicated that the Staff recommendation is to deny the rezoning request based on the findings outlined in the February 5, 2015 planning report.

Commissioner Dominick questioned the access and easements.

Chair Klecker questioned the ownership of the street within the subject site if shared access from C.R. were constructed. Brixius responded the streets could be private easements or public right of way.

Chair Klecker indicated the City has other properties for a church and does not agree with the result in loss of the commercial property and is concerned with traffic flow.

Chair Klecker opened the Public Hearing at 7:40 p.m.

Jeremiah Curran, Pastor of Westbridge Community gave a basic history of the Church and addressed staff's findings as follows:

1. Pastor Curran challenged the consistency with the comprehensive plan stating that the rezoning application provides a process to reexamine the land use and zoning. This process allows the city to reconsider its guided land use.
2. Pastor Curran stated that the church would have land use characteristic similar to commercial uses and would be a compatible neighbor with the adjoining residential neighborhood. He indicated that the church would share in the cost of intersection signalization if traffic volumes warranted a new traffic signal at 53rd Street and C.R. 19.
3. If the rezoning is approved the church will follow the development application process for subdivision and site and building plan approval. The church development will comply with the city's development regulations.
4. Pastor Curran acknowledged the lost to property tax revenues. He explained that the church will provide economic benefit to the community. He stated that churches provide social services to the community and surrounding areas not otherwise offered. These social services may have a value as high as \$160,000 annually. He also stated that the church is a major attraction to a community attracting people to the community on a regular basis to the community. These people will patronize local retailers, service providers and restaurants.
5. The church will not overburden local utilities, services or streets. If a traffic signal is needed at 53rd Street and C.R. 19 the church would share in the cost.

Commissioner Barthel questioned the applicant if they had met with staff to discuss options and Curran indicated they had met with staff.

Tim Demry, Monticello, addressed the Commissioner stating this would be a great use for bringing non-residents into Albertville to use gas stations, restaurants, etc.

Jarod Grove of Otsego, addressed the Commission also stating this would be a good use for the property.

Melissa Hanson, Albertville resident for 13 years stated she is not a member of Westbridge Church but is an abutting neighbor of the property and believes this would be a good use of the property as it has sat dormant for years.

Dexter Phillips, Albertville, stated this property would be finally put to use.

Chair Klecker closed the Public Hearing at 8:45 p.m.

City Council Representative Hudson stated he believes this is what he would like Albertville to be and this property has been vacant for too long. Also stating Westbridge Community Church needs might change in 20 years and relocate.

Commissioner Dominick concurs with Hudson stating this property has been vacant too long.

Commissioner Barthel believes this property should be considered prime real estate and is okay with this use.

Dominick moved, second by Klecker to recommend approval of the request of Westbridge Community Church for a zoning map amendment to rezone Outlot A of Heuring Meadows, located that the northwest corner of County Road 19 and 53rd Street, from B-2, Limited Business District to P/I, Public Institutional District to allow the development of a church.

Motion carried unanimously.

City Council Representative Hudson excused himself from meeting.

- b. Public Hearing to Consider a request by Stephen H Nelson Land Company for a variance from the City's maximum 30 foot billboard height standard. The applicant is requesting a 40 foot tall billboard.**

Alan Brixius presented the planning report dated January 27, 2015 to the Planning Commission for their consideration. Mr. Brixius stated that there are arguments both in for and against granting the variance. He offered the following analysis based on variance review criteria.

The variance offers reasonable use of the property not permitted by the zoning ordinance.

Pros:

1. The Site is zoned B-3 Highway Commercial District. This district allows both commercial uses and the bill boards as a permitted use.
2. The site qualifies as a billboard site based on the city's spacing and setback performance standards
3. The additional sign height will allow preserve the potential of the site for development of a commercial building.
4. This site is 18.5 feet below the freeway elevation immediately north of the site.

Cons:

1. The variance is not a reasonable use of the site in that the billboard was approved for the site at a 30 foot height. This height was acceptable and the applicant provided acknowledgement of future freeway improvement and a waiver of damages that may result if improvements would impair sight lines to the sign.

The plight of the property owner is due to circumstances unique to the property and not created by the property owner.

Pros:

1. The site is a very small in area and is further complicated by the easements and setbacks that reduce the buildable area of the lot to just 26% of the total lot area. The Additional sign height will allow for the combination of a commercial building and sign on the same site.
2. The city's comprehensive plan goals and policies promote the preservation of the city commercial guided land. The combination of uses through the variance would allow addition future commercial development on this property.

Cons:

1. Without a timetable for site development, there is no assurance that the variance will allow future development of the site.
2. The practical difficulty is a plight created by the property owner with his desires to develop the site with both a building and a billboard. Absent this combination the height variance is not required.
3. Absent the variance, the site may still be utilized for commercial development or billboard or a combination of both and the impaired sight lines to a 30 foot tall sign is a condition created by the property owner.

Variance will not change the essential character of the locality;

Pros:

1. The site meets the 1000 foot spacing standards for a new billboard.
2. The Knechtl billboard located north across the freeway to this site was granted a variance for a 40 foot tall billboard to overcome the elevation differential between the site and freeway.

Cons:

1. The proposed 40 billboard will be located in close proximity to the future c-d road and freeway ramp than other billboard.

Variance will not impair light or air to adjacent property. Mr. Brixius indicated that due to the location of the site and the proposed sign variance would not negatively impair light or air to adjacent properties.

Variance will not diminish property values. Mr. Brixius indicated that the site location is somewhat isolated and the sign variance will not significantly impact adjoining properties. The preservation of the site for future commercial development would contribute to the city's future tax base.

Absent the variance approval the city code would deny the property owner reasonable use of the property. Mr. Brixius stated the site without the variance can be reasonably use as either a billboard site as reflect in the approval of a previous sign permit. Or the site can be reasonably developed with a commercial building as reflected with the approval of the original subdivision and the submission of the original site concept plan. It is the combination of uses that creates the need for the variance. The City must determine if the combination of uses on this site is reasonable.

Granting this variance will not convey special privilege to this property owner that would be denied to other properties in the same district. Mr. Brixius indicated that this site is unique in size, location, elevation below the freeway, and billboard eligibility so that approval of the variance will confer special privileges to the applicant.

Mr. Brixius conclude his presentation citing that the planning commission has two options on this application. That their decision should weighed the presented analysis and should be supported by the findings for either approval or denial.

Chair Klecker opened the public hearing at 8:40 p.m.

Jacob Steen addressed the Planning Commission requesting the variance be granted for the retail use of the property. He is currently working with a developer and the development requires the variance. Steen also stated the sign would donate five hours per month for the City of Albertville for Community messages.

Commissioner Barthel stated he has spoken with residents and they do not want a taller sign.

Chair Klecker stated that a 30' high sign was approved and the applicant should apply for a 40' high sign when the building will be constructed.

Dominick moved to recommend approval to the City Council to approve a variance is reasonable and meets the criteria for variance.

1. The site is zoned B-3, Highway Commercial District and both commercial building development and billboards are an allowed use within the district.
2. The site meets the spacing and setback standards of the Albertville Sign Code to be eligible for the construction of a new legally conformed billboard.
3. The requested height variance is necessary to allow the site to accommodate both the approved billboard and a commercial building. The preservation of the site for a future building is consistent with the Albertville's 2012 Vision Study goals and policies including:
 - Maintain its current planned commercial and industrial land use patterns and zoning.
 - Promote commercial development by the City to take advantage of its access to I-94 and the growing population of Albertville and adjoining communities.
 - Be patient with infill development to insure property access, quality site design, and quality architecture.
4. The City finds that the site has the following practical difficulties unique to the site that complicates the reasonable use of the site that were not created by the property owner:
 - The site, due to setbacks and easements, only has 26% of the lot area as being buildable.
 - The site is 18.5 feet below the freeway elevation.
 - The site is one of the few locations within the City that meets the billboard spacing requirements that make it eligible for a new billboard.
5. The variance will not change the essential character of the area due to the site's isolated location and the billboard's separation from other billboards.

6. The requested variance will not impact traffic congestion, public safety, or diminish property values.
7. The variance is needed to overcome practical difficulties with the site and will not confer special privileges denied other eligible billboard sites having similar practical difficulties.

As no second the motion fails.

Barthel moved, second by Klecker to recommend the variance criteria have not been met, and deny the variance with the following findings:

1. The variance is not a reasonable use of the site in that the billboard was approved for the site at a 40 foot height. This height was acceptable and the applicant provided acknowledgement of future freeway improvements and a waiver of damages that may result if improvements would impair sight lines to the sign.
2. Without a timetable for the site development, there is no assurance that the variance will allow future development of the site.
3. The practical difficulty is a plight created by the property owner with his desires to develop the site with both a building and a billboard. Absent this combination, the height variance is not required.
4. Absent the variance, the site may still be utilized for commercial development or billboard or a combination of both and the impaired sight lines to a 30 foot tall sign is a condition created by the property owner.

ROLL CALL VOTE: Chair Klecker, Aye
Commissioner Barthel: Aye
Commissioner Dominick: Nay

- c. Public Hearing to consider a zoning text amendment to Chapter 500, Section 500.1.B, Variance Review Criteria of the Albertville Zoning Code, making this section consistent with the Minnesota State Statutes 462.357, Subd. 6.2.

Alan Brixius presented the planning report dated February 3, 2015 to the Planning Commission for their consideration.

Chair Klecker opened the Public Hearing at 9:15 p.m.

No comments

Chair Klecker closed the Public Hearing at 9:15 p.m.

Commissioner Barthel stated this is basically a house keeping issue.

Dominick moved, Barthel seconded to recommend approval to the City Council to consider a zoning a text amendment to Chapter 500, Section 500.1.B, Variance Review Criteria of the Albertville Zoning Code, making this section consistent with the Minnesota State Statutes 462.357, Subd. 6.2.

Motion carried unanimously.

5. OTHER BUSINESS:

Mr. Brixius invited the planning commissioners to attend a joint city council and planning commission workshop at 6:00 p.m. on March 2, 2015 to participate in the 2015 goal setting. This workshop will review the 2012 Vision Study and outline community priorities for the next ten years.

6. ADJOURNMENT:

Barthel moved, second by Dominick to adjourn meeting at 9:30 p.m.

Motion carried unanimously.

Sue Schwalbe, Recording Secretary