



MINUTES OF THE PROCEEDINGS OF THE PLANNING COMMISSION OF THE CITY OF STACY IN THE COUNTY OF CHISAGO IN THE STATE OF MINNESOTA PURSUANT TO DUE CALL AND NOTICE THEREOF

**REGULAR MEETING
MARCH 16, 2021, 7:00p.m.
MEETING HELD VIA WEBEX DUE TO COVID-19
THE STACY CITY COUNCIL WAS ALSO PRESENT**

Call to Order

Chair M. Ness called the meeting to order at 7:02p.m.

Roll Call

The following members were present by Webex:

Planning Commission:

M. Ness Present Absent
 J. Ness Present Absent
 D. Thieling Present Absent
 T. Sawatzky Present Absent

Council:

M. Utecht Present Absent
 M. Lawrence Present Absent
 T. Sawatzky Present Absent
 J. Carlson Present Absent
 M. Ness Present Absent

Others Present: Michelle McLane, Shawn McLane, Michelle Hayes, Elizabeth Vierling, Dan Vierling, Phil Carlson, and Michelle Hayes.

Agenda

Motion by J. Ness to approve the agenda as amended. Second by D. Thieling.

Roll Call Vote:

M. Ness Yes No J. Ness Yes No
 T. Sawatzky Yes No D. Thieling Yes No

Chair M. Ness declared the motion carried.

Approval of Minutes

Motion by J. Ness to approve the minutes as presented. Second by T. Sawatzky.

Roll Call Vote:

M. Ness Yes No J. Ness Yes No

T. Sawatzky Yes No

D. Thieling Yes No

Chair M. Ness declared the motion carried.

Public Hearing 7:04-7:17p.m.

Variance – All Mac Inc.

Notice is hereby given that on Tuesday, March 16, 2021, at 7:00 p.m.; or as soon thereafter as the matter may be heard, the Stacy Planning Commission will hold a public hearing on an application for a Variance in the General Business District.

Property Address: 5580 Stacy Trail, Stacy MN 55079
Property ID: 19.00184.38

The request is for variance from the City Code §153.051 (F) Building Design Standards (2) Exterior Finishes (b) which reads:

“Prohibited materials include face material that rapidly deteriorate or become unsightly such as exposed cinder blocks, galvanized metal, unfinished tile, common clay brick. Buildings may not contain more than 25% of any kind of metal.”

All interested parties are encouraged to attend. All written and verbal testimony will be taken at this meeting and written testimony will be taken prior to the meeting.

Public Comment, City Planner’s Report

City Planner, Phil Carlson, reviewed his report with the Planning Commission and City Council. A copy of the report is attached.

There was no public comment.

New Business

All Mac Inc. – Variance

Motion by J. Ness to recommend approval of the variance and the findings of fact as presented by the City Planner. Second by D. Thieling.

Roll Call Vote:

M. Ness Yes No

J. Ness Yes No

T. Sawatzky Yes No

D. Thieling Yes No

Chair M. Ness declared the motion carried.

**Recess Planning
Commission, Open Council
Special Session**

Motion by M. Ness to recess the Planning Commission until the City Council adjourns their Special Session. Second by J. Ness.

Roll Call Vote:

M. Ness Yes No J. Ness Yes No
T. Sawatzky Yes No D. Thieling Yes No

Chair M. Ness declared the motion carried.

Mayor M. Utecht called the Special Meeting to order at 7:20p.m.

**Council Action on All Mac
Inc., Variance**

Mayor M. Utecht thanked the Planning Commission, City Engineer, and City Planner for providing clear recommendations.

Motion by M. Utecht to grant the Variance with the conditions as presented and recommended by the Planning Commission and Findings of Fact. Second by M. Ness.

Roll Call Vote:

M. Utecht Yes No M. Lawrence Yes No
T. Sawatzky Yes No M. Ness Yes No
J. Carlson Yes No

Mayor Utecht declared the motion passed unanimously.

**Adjourn the Special Council
Meeting and Reconvene the
Planning Commission
Meeting**

Motion by M. Ness to adjourn. Second by M. Utecht.

Roll Call Vote:

M. Utecht Yes No M. Lawrence Yes No
T. Sawatzky Yes No M. Ness Yes No
J. Carlson Yes No

Mayor Utecht declared the motion passed unanimously at 7:24p.m.

Chair M. Ness reopened the Planning Commission meeting at 7:24p.m.

**County Ordinance Change –
Subsurface Sewage
Treatment**

The proposed ordinance change from the County will not impact Stacy as we require any new subdivision to connect to city utilities.

Old Business

City Code Review

Chapter 94

The commission approved the proposed draft; the revision will be held until a public hearing is held in combination with other city code updates.

Chapter 110

This code section is not used at the current time; we have business type licenses such as liquor and peddler. A review of the Peddler and Liquor license code section will be done however it appears that the following wording addresses any conflicts:

§ 110.01 LICENSES AND PERMITS.

(A) *General rule.* Except as otherwise provided in this code, all licenses and permits granted by the city shall be governed by the provisions of this chapter.

Chapter 93

The commission members reviewed Chapter 93 and made several changes; they asked the clerk to forward it to the City Attorney and City Planner for review.

Building Design Review

The commission members made revisions to the building design standards in the commercial and industrial zoned districts.

They would like the council's input in the case of a steel building would the council need to approve the "decorative design elements?" or do they want input from the Planning Commission?

The clerk will prepare a code update for the Commission meeting on April 20, 2021, for possible public hearing in May.

Adjourned at 8:33p.m.

Chair M. Ness declared the meeting adjourned at 8:33 p.m.



733 Marquette Avenue, Suite 1000, Minneapolis, MN 55402

City of Stacy

Planning Report

TO: **Stacy Planning Commission & City Council**

FROM: Phil Carlson, AICP, Senior Planner, Stantec

DATE: March 16, 2021

ADDRESS: 5580 Stacy Trail

PID: 19.00184.38

OWNER: Jonathan Vogt

APPLICANT: Shawn and Michele McLane, All-Mac Inc.

REQUEST: Variance – Building Materials in the GB District

ZONING: GB General Business

INTRODUCTION

Shawn and Michele McLane got approval on February 16, 2021 for a Conditional Use Permit (CUP) to operate their trailer service business, All-Mac Inc., on the site at 5580 Stacy Trail. As part of the project, they are requesting a variance to the building materials provisions in the General Business district so they can construct a new metal-sided building.

VARIANCE REQUEST

Section 153.051 (F) (2) of the Zoning Code lists permitted exterior building materials in the GB district. These include metal wall panels, as proposed for the new building, but no more than 25% of the façade. The new building is proposed to have all metal panel exterior like the illustrations on the following pages, therefore a variance is needed.





All-Mac Inc. Variance – Building Materials in the GB District



FEATURES

- Available in 26, 24 or 22 gauge
- 36 " wide panel with 1-1/4" recessed ribs 12" on center
- Available up to 39' in length
- Variety of color options with KXL finish and a 25 year paint warranty
- Installed with self-drilling color-matched fasteners
- Fasteners installed in V-groove
- Embossed exterior surface

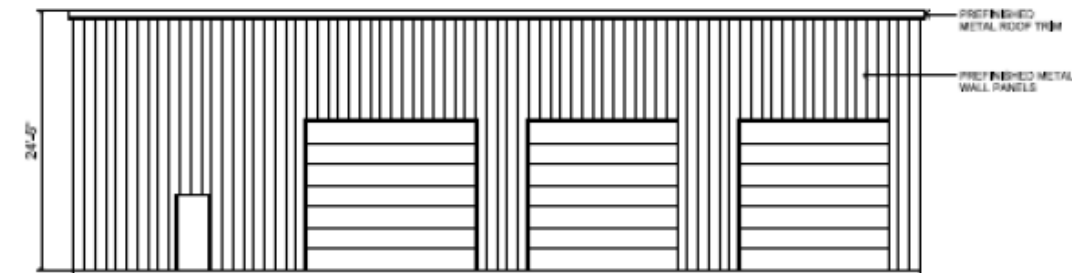
BENEFITS

- Variety of gauge thicknesses to meet most codes and specifications
- Engineered for durability and aesthetically pleasing
- Long panel lengths minimize end laps for optimum wall integrity
- Superior paint finishes reduces maintenance costs
- Recessed fastener locations give the panel a semi-concealed profile with bold architectural lines
- Embossed surface provides attractive architectural finish

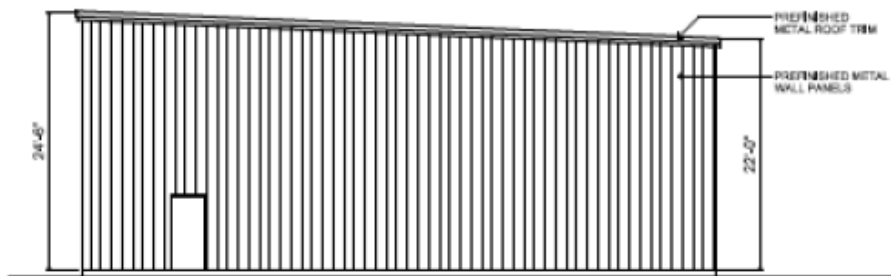




All-Mac Inc. Variance – Building Materials in the GB District



WEST WALL ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH WALL ELEVATION
SCALE: 1/8" = 1'-0"

VARIANCE CRITERIA IN THE ZONING CODE

A variance is "permission to break the rules". The City is not obligated to approve any variance, but may do so if the request satisfies certain criteria in the Zoning Code, in Section 153.188:

- (1) Variances shall only be permitted when they are in harmony with the general purposes and intent of this zoning code.
- (2) Variances shall only be permitted when consistent with the comprehensive plan.
- (3) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning code.
 - a. "Practical difficulties" shall mean that the property owner proposes to use the property in a reasonable manner not permitted by the zoning code; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
 - b. Economic considerations alone do not constitute practical difficulties.



All-Mac Inc. Variance – Building Materials in the GB District

These criteria are addressed as follows:

- (1) **Purpose and intent of the zoning code.** Among the “general purposes and intent” in the preamble to the Zoning Code are “*protecting the public welfare*” and “*providing for the compatibility of different land uses*”. The proposed building materials would not significantly impact the public welfare or compatibility of the different land uses involved.

On the issue of compatibility, the building would be screened partly by landscaping from adjacent residential areas and would be about 180 feet from the nearest homes. The building would be set back in the site about 220 ft from I-35 and about 360 ft from Stacy Trail. Both frontages will also be partly screened with landscaping, so the building will not be completely visible to either public roadway (see aerial photo on the first page of this report). The material itself – factory finished metal panels – are permitted in the GB district, just not for the entire façade.

- (2) **Consistency with the comprehensive plan.** The question of building materials is not directly discussed in the comprehensive plan, but the plan does have the following Community Design goal and policies:

Encourage activities which will improve the appearance of the community.

Policies:

1. *Develop commercial areas in the city in an attractive and well-designed manner.*
2. *Develop design standards in the zoning ordinance to ensure high quality design and appearance in the city's commercial and highly visible industrial areas.*

The building materials standards in the GB district are part of implementing these policies, but variances can be granted. The question for the Planning Commission and City Council is whether the proposed building will be “*attractive and well-designed*” and of “*high quality design and appearance*”.

- (3) **Practical difficulties.** There are several parts to the practical difficulties test:
 - a. *Reasonable use.* The proposed building and the materials are “reasonable”, but not allowed as 100% of the facade.
 - b. *Unique circumstances.* As noted by the applicant in their narrative, the location of the proposed building at the far corner of the site, away from the public roadways and away from the main entrance to the site can be considered unique to this commercial property. The intent of the comprehensive plan policy cited above is related to the appearance of commercial areas and this new building would not be highly visible.



All-Mac Inc. Variance – Building Materials in the GB District

- c. *Essential character.* The essential character test is whether the proposed variance would be out of place with other buildings and properties in this general location. The location is on a major freeway entrance on a busy roadway entering the City, on the site of a former gas station, adjacent to the City's public works garage, which is a simple building not unlike what is proposed. Directly across I-35 from this site is the large PMC building, also in the GB district, that has an all metal panel façade. It is part of the “locality” of the proposed building and is much more visible and prominent than the All-Mac building – aerial and view from I-35 below.





All-Mac Inc. Variance – Building Materials in the GB District

- d. *Economic considerations.* The applicants acknowledge that meeting the City's ordinance would make the building cost more, so this is a consideration, but not the only consideration, which is the test: “*economic considerations alone do not constitute practical difficulties.*”.

RECOMMENDATION

I recommend the Planning Commission and City Council approve the variance for building materials for All-Mac, Inc. as submitted for an all-metal panel building. If approved, findings might include the following:

Findings of Fact for Approval

- 1) The proposed building materials meet the intent of the Zoning Code and would not be incompatible with surrounding land uses.
- 2) The proposed building materials meet the intent of the comprehensive plan and would be high quality, attractive and well-designed even though they do not meet the letter of the standards in the Zoning Code.
- 3) The proposed building materials are reasonable and are typical of other commercial uses in the region.
- 4) The location of the proposed building can be considered unique, being a considerable distance and less visible from the adjacent public roadways in a far corner of the property away from the main entrance than many other commercial properties. The building would also be screened with landscaping on three sides, further reducing its visual impact.
- 5) There is another large building in the immediate vicinity, highly visible from the I-35 corridor, that has an all metal panel façade, also in the BG district. The proposed building materials, therefore, would not alter the essential character of the locality.
- 6) While the proposed building materials are less expensive than a building that would meet the Zoning Code standards, economic considerations are not the only issue.

The variance request meets the criteria for a variance in the Stacy Zoning Code.



All-Mac Inc. Variance – Building Materials in the GB District

If the variance is denied, findings might include the following:

Findings of Fact for Denial

- 1) The proposed building materials do not meet the standards set in the Zoning Code for the General Business district and therefore do not meet the intent of the Zoning Code.
- 2) The proposed building materials – all metal – are not as attractive and high quality as the 25% limit in the Zoning Code and therefore not consistent with the comprehensive plan.
- 3) The property is similar to other commercial properties in the City in terms of size and location and does not show unique circumstances.
- 4) The building materials standards in the GB district strive to create and maintain an attractive, high quality business environment. The proposed materials would alter this intended “essential character”.
- 5) The applicant could spend more money and meet the Zoning Code building materials standards; therefore, economic considerations are part of the situation.
- 6) The variance request does not meet the criteria for a variance in the Stacy Zoning Code.

60-DAY DEADLINE

The application was received on February 18, 2021. The 60-day deadline for final action by the City Council, per State statute, is April 19, 2021.