



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
JULY 16, 2019, 7:00p.m.
30955 FOREST BOULEVARD STACY MN**

Call to Order

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

Special Meeting – Council

Acting Mayor M. Ness called the Special Meeting of the City Council to order at 7:00p.m.

Roll Call

Present Planning Commission: Mark Ness, Jim Ness, Steve Kveton, and Tony Olivolo
Absent Planning Commission: Michelle Boeck
Present Council: Chuck Lucia, Mark Ness, and Tony Olivolo
Absent Council: Mark Utecht, and Dennis Thieling
Others Present: None

Agenda

Motion by J. Ness to approve the agenda as presented. Second by S. Kveton. Members M. Ness, J. Ness, S. Kveton, and T. Olivolo voted yes. Chair M. Ness declared the motion carried.

Public Hearing 7:04-7:16p.m.

PUBLIC HEARING NOTICE

- Fox Valley Metrology – Variance, Preliminary and Final Plat Approval

Notice is hereby given that on Tuesday, July 16, 2019, at 7:00pm., or as soon thereafter as the matter may be heard, the Stacy Planning Commission will hold a public hearing at Stacy City Hall located at 30955 Forest Boulevard, MN 55079.

1. The purpose of the public hearing is to gather public input on an application for a variance for pavement encroachment at the north side of the driveway due to new code of 20' stalls vs. existing 18' stalls; for property located in the Stacy Ponds Business Park. Fox Valley Metrology, 30447 Stacy Ponds Drive. Property ID 19.00133.12 and 19.00133.13.
2. The purpose of the public hearing is to gather public input on an application for preliminary plat approval combining lots in the Stacy Ponds Business Park, Fox Valley Metrology, 30447 Stacy Ponds Drive. Property ID 19.00133.12 and 19.00133.13.

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.

There was no public present.

**Special Council Meeting
Adjourned**

Motion by M. Ness to adjourn the Council Meeting. Second by C. Lucia. Members M. Ness, C. Lucia, and T. Olivolo voted yes. Acting Mayor M. Ness declared the motion carried.

Public Hearing 7:17-7:19p.m.

PUBLIC HEARING NOTICE

- City Code Amendment – Define Dwelling in Several Areas of the Code

Notice is hereby given that on Tuesday, July 16, 2019, at 7:00pm., or as soon thereafter as the matter may be heard, the Stacy Planning Commission will hold a public hearing at Stacy City Hall located at 30955 Forest Boulevard, MN 55079. The purpose of the public hearing is to gather public input on a proposed amendment to multiple sections of the City Zoning Code, Chapter 153, to create consistency in the use of the following terms: single-family dwelling, two-family dwelling, multi-family dwelling, and dwelling unit. 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. Copies of the ordinance can be obtained by contacting the City Clerk at 651-462-4486 or on our website www.stacymn.org.

There was no public present.

Approval of Minutes

Motion by J. Ness to approve the minutes as presented. Second by T. Olivolo. Members J. Ness, T. Olivolo, S. Kveton, and M. Ness voted yes. Chair M. Ness declared the motion carried.

Council Update

Chair M. Ness reported:

- The council concurred with the Planning Commission to remove leaf burning from the city code; they would like information regarding the environmental impact of leaf burning.
- They also supported amending the city code regarding emergency management; and the acting mayor being the responsible person in the event there is no emergency management director.
- Directed the Commission to work with the building inspector to review the building permit fees.

New Business

Fox Valley Metrology

See engineer's memo attached.

- Preliminary and Final Plat Approval

Motion by J. Ness to recommend approval of the preliminary plat and final plat for Stacy Ponds Business Park 3rd Addition as submitted, with the condition that the City Council also order vacation of the drainage and utility easements as described on the plat documents.

Findings

- 1) The plat conforms to City requirements for lot size and shape.

Planning Commission

- 2) The plat conforms to City requirements for information required on the plat documents.

Second by S. Kveton. Members J. Ness, S. Kveton, T. Olivolo, and M. Ness voted yes. Chair M. Ness declared the motion carried.

- **Variance**

Motion by M. Ness to recommend approval of the variance for encroachment of the parking lot into the required front yard as submitted; and approve the preliminary and final plats for Fox Valley Metrology.

Findings

- 1) The use of the building and parking are consistent with the Comprehensive Plan and allowed by the Zoning Code.
- 2) Expansion of the parking lot to comply with City standards is a reasonable use of the property.
- 3) The existing building and parking lot were built to City standards, but those standards were changed by the City. This specific situation is unique to this property and was not created by this landowner.
- 4) Encroachment of a parking lot by less than a foot into the required yard in a business park setting will not alter the essential character of this area.
- 5) The requested variance involves minor modifications to comply with City dimensional standards and is not an economic issue.

Second by J. Ness. Members J. Ness, S. Kveton, T. Olivolo, and M. Ness voted yes. Chair M. Ness declared the motion carried.

City Code Changes – Dwelling

Motion by J. Ness to recommend approval of the revisions to Chapter 153 as presented. Second by S. Kveton. J. Ness, S. Kveton, T. Olivolo, and M. Ness voted yes. Chair M. Ness declared the motion carried.

Building Permit Fees

The point was made regarding the permit fees being based on valuation; mainly the fact that the choice of materials can greatly increase the valuation. However, the plans remain the same so there is no additional work.

Mr. Kramer will be invited to the Planning Commission meeting in September.

August Meeting

The August Planning Commission meeting is cancelled.

Old Business

Comprehensive Plan

This item handled out of order by motion of J. Ness. Second by M. Ness and carried.

The commission reviewed the zoning maps presented by the engineer; they worked with the engineer on several changes. Mr. Boyum made the noted changes and will have the maps updated as follows:

- Update Fox Valley Metrology and Revived Iron parcels
- Treatment Plant
- Vogel Property
- 307th Street section that shows now as green to vacant
- The church property, why does this show as public/semi-public?
- Label the trail as Park/Open Space

Additionally, the zoning map, Figure 1 will be reformatted to just include the city within its boundaries.

City Code Review

Animal Control

At the recommendation of the city attorney city code section §92.05 Impounding will remain in the code.

Emergency Management

Member J. Ness will be working on the updates to the Emergency Management section of the City Code.

Open Discussion

None

Adjourned at 8:39p.m.

Chair M. Ness declared the meeting adjourned at 8:39p.m.

Sharon MT Payne

TO: **Stacy Planning Commission**
FROM: Phil Carlson, AICP, Stantec, Senior Planner
MEETING DATE: July 16, 2019
APPLICANT: Chris Kuczynski, Fox Valley Metrology
OWNER: Chris Kuczynski
ADDRESS: 30447 Stacy Ponds Drive
REQUEST: Subdivision (plat, lot combination) and Variance (front setback)
ZONING: LI – Light Industrial

BACKGROUND

Fox Valley Metrology occupies a building at the north end of Stacy Ponds Drive in the City's business park that is adjacent to a vacant lot they also own. The owner wishes to expand the building and parking lot, extending into the vacant lot. To accomplish they are requesting to combine the two lots into one new platted lot as Stacy Ponds Business Park 3rd Addition. The expansion of the parking lot includes minor revisions to bring the existing parking lot up to City standards, which have changed since the original building and parking lot were built. With the larger dimension for parking stalls, the parking lot would extend into the required front yard, needing a variance.

PROPOSED PROJECT

The plans included with the application include a survey showing the existing two lots, a proposed plat of the new single-lot Stacy Pond Business Park 3rd Addition, and a site plan showing the proposed building and parking expansion.

The existing building has a single bay of parking on the front (west) side of the building. The proposed project would add about 8,000 square feet of building and additional parking on the south and east sides of the building, plus widen the existing parking bay slightly to meet the current City standard of 44 feet (20-foot stall plus 24-foot drive aisle).

Section 153.188 of the Zoning Code deals with variances, requiring the Planning Commission to hold a public hearing and make a recommendation to the City Council, which acts as the Board of Adjustments and Appeals. Paragraph (C) of that section lists the criteria to consider for variance requests, which are then discussed separately below:

(C) Standards for review of variance requests. The Board of Adjustments and Appeals shall consider variance requests in accordance with the following standards.

- (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.

Consistency with Zoning Code and Comprehensive Plan

The use of the building and parking are consistent with the Comprehensive Plan and allowed by the Zoning Code.

Practical Difficulties – Reasonable Manner

A parking lot for the building, including expansion of it to comply with City standards is a reasonable use of the property.

Practical Difficulties – Unique Circumstances

The existing parking lot was built to City standards, but those standards were changed by the City. This specific situation is unique to this property and was not created by this landowner.

Practical Difficulties – Essential Character

This criterion asks whether the requested variance would disrupt the expected look and feel of this part of the City. Encroachment of a parking lot by less than a foot into the required yard in a business park setting will not alter the essential character of this area.

Economic Considerations

The economic criterion is generally understood to mean that the applicant could accomplish essentially the same thing and meet the Code if they spent more money. That is not the case here. The situation involves minor modifications to comply with City dimensional standards.

RECOMMENDATIONS

Th two requests – subdivision and variance – should be dealt with as separate motions.

Subdivision

We recommend that the Planning Commission recommend approval of the preliminary plat and final plat for Stacy Ponds Business Park 3rd Addition as submitted, with the condition that the City Council also order vacation of the drainage and utility easements as described on the plat documents.

Findings

- 3) The plat conforms to City requirements for lot size and shape.
- 4) The plat conforms to City requirements for information required on the plat documents.

Variance

We recommend that the Planning Commission recommend approval of the variance for encroachment of the parking lot into the required front yard as submitted.

Findings

- 6) The use of the building and parking are consistent with the Comprehensive Plan and allowed by the Zoning Code.
- 7) Expansion of the parking lot to comply with City standards is a reasonable use of the property.
- 8) The existing building and parking lot were built to City standards, but those standards were changed by the City. This specific situation is unique to this property and was not created by this landowner.
- 9) Encroachment of a parking lot by less than a foot into the required yard in a business park setting will not alter the essential character of this area.
- 10) The requested variance involves minor modifications to comply with City dimensional standards and is not an economic issue.