

MINUTES
REGULAR MEETING - MONTICELLO PLANNING COMMISSION
Tuesday, August 3, 2021 - 6:00 p.m.
Mississippi Room, Monticello Community Center

Commissioners Present: Paul Konsor, Eric Hagen, Teri Lehner, Andrew Tapper
Commissioners Absent: Alison Zimpfer
Council Liaison Present: Charlotte Gabler
Staff Present: Angela Schumann, Steve Grittman (NAC), and Ron Hackenmueller

1. General Business

A. Call to Order

Chair Paul Konsor was absent, so City Staff Angela Schumann called the Regular Meeting of the Monticello Planning Commission to order at 6:00 p.m.

Schumann administered the oath of office to new commissioner Teri Lehner.

ERIC HAGEN MOVED TO APPOINT ANDREW TAPPER AS VICE-CHAIR. MOTION SECONDED BY TERI LEHNER. MOTION CARRIED, 3-0.

B. Consideration of approving minutes

a. Special Meeting Minutes – July 6, 2021

ERIC HAGEN MOVED TO APPROVE SPECIAL MEETING MINUTES – JULY 6, 2021. MOTION SECONDED BY TERI LEHNER. MOTION CARRIED, 3-0.

b. Regular Meeting Minutes – June 1, 2021

ANDREW TAPPER MOVED TO APPROVE THE REGULAR MEETING MINUTES – JULY 6, 2021. MOTION SECONDED BY ERIC HAGEN. MOTION CARRIED, 3-0.

c. Special Meeting Minutes – July 6, 2021

Angela Schumann explained that the minutes for the joint workshop from July 6, 2021 had not yet been prepared. MINUTES TABLED TO NEXT MEETING.

C. Citizen Comments

None.

D. Consideration of adding items to the agenda

None.

E. Consideration to approve agenda

ERIC HAGEN MOVED TO APPROVE THE AGENDA. MOTION SECONDED BY ANDREW TAPPER. MOTION CARRIED, 4-0.

2. Public Hearing

A. Public Hearing – Consideration of a Request for Conditional Use Permit and Variance to Size of an Accessory Use Structure – Major in the (Single Family Residence) District. Applicant: William Swan

City Planner Steve Gritman explained that the applicant is proposing to add a detached garage to the property currently developed with a single-family home, including an attached garage. The proposed detached garage would exceed the maximum 1,500 square feet of garage space on a residential parcel.

According to the Monticello Zoning Ordinance, the subject site is zoned R-1 Single-Family Residence District and within the R-1 district, detached garages are an allowed accessory use but are limited to a total floor area of 1,200 square feet or 1,500 square feet by CUP. The total garage space being requested is approximately 1,560 square feet so that will also require a variance.

For variances, the applicant is required to demonstrate that they have a unique physical condition on the subject property that creates a practical difficulty in putting the property to what would otherwise be considered a reasonable use. Such conditions may not be caused by the applicant/owner, nor may they be solely economic in nature. In the subject case, the applicant has not identified any such condition. The primary argument put forth by the applicant relates to the ability to fit the building within the required setbacks and lot area. However, the City's standard, following state law, requires a unique condition that interferes with property rights otherwise common in the area. The City has not granted such variances on residential parcels in the past, and the applicant's property is a typical single-family lot, although it is somewhat larger than the average. Such larger lots are permitted to construct larger accessory buildings than the base standard of 1,200 square feet, but the cap is 1,500 by CUP, as discussed above.

Staff recommends approval of a conditional use permit, based on findings in the resolution, and the conditions of the approval as required in the ordinance and in Exhibit Z. The lot is large enough to support additional detached garage space and meets all setback requirements. However, staff's recommendation includes a condition that the building result in a total garage area of no more than 1,500 square feet when combined with the existing attached garage. Staff recommends denial of the Variance to exceed the 1,500 square foot threshold. There are no apparent conditions that would satisfy the uniqueness, practical difficulties, or reasonable use requirements found in both the City's ordinance and state law.

Paul Konsor asked if we have an improved surface calculation that is used for this type of zoning, so that we do not reset the standard. Gritman said that does not come into play as this is not in the shoreline district.

Public Comment:

Applicant Swan commented that he did some research on some other lots in the neighborhood and found that at 1,500 square feet others with smaller lot sizes were able to use around 6% of their lot size and another resident was able to use 6.2% of the lot size. Swan said that he is requesting to use 5.9% of the lot size for his structure. The proposed structure is 24 x 32 and is not the biggest detached garage in the area. There are outlines and drawings included showing the lot and how the garage easily fits within the lot setbacks. He said that he is using the garage to park his pontoon and his truck, and he said he is agreement with the conditions of Exhibit Z.

Charlotte Gabler asked about the three lot examples provided by the applicant, if they had a CUP approved, and apparently two of them had.

Eric Hagen brought up concerns about setting a precedent for others coming in requesting to go outside the city code for detached garage structures. Swan said that most of his lot size is in the backyard and by putting the garage on the back side of the lot it won't interfere with other neighbors or inhibit their views in any way. Andrew Tapper said he's struggling with the fact that the total square feet are over what is allowed by ordinance. The zoning requirements as written, have nothing to do with lot size. Tapper says he understands the applicant's reasoning but in following the ordinance it doesn't meet requirements. Hagen said it really comes down to 1,500 square feet and the fact that there's nothing in the code that allows a larger lot to equal a larger structure in an R-1 zone. While the other examples use the same or slightly higher percentage, they're still within the 1,500 square feet requirement.

Angela Schumann said that this is the first variance request to go over 1,500 square feet that we've had in a while. Most applicants choose to meet the 1,500 square feet when learn of the requirements. It's important to remember that the intended principal use of a residential lot is a single-family home and that garages are accessory uses. That is the reason the ordinance reads the way it does is to limit the accessory use and keep the principal use the single-family dwelling. While the city encourages residents to store things inside and keep neighborhoods neat and tidy, there is a balance. Andrew

Tapper said the only way to allow it would be to change the ordinance to allow for a percentage of lots for accessory structures; however, that may not be appropriate and is a mute-point at this time. Hagen voiced concerns about if we allow the 60' then where does it stop. Swan said he thinks the setbacks stop it and he is within the setbacks. Tapper said the city must follow the ordinance as written and if this were allowed, the city could liable if someone would come back and sue to the city over it.

Konsor asked Swan if he would suffer a hardship by reducing the building size by 60 square feet. Swan said there's no hardship per say but when you build a garage you just want extra space for storage. On that note, Konsor said the rules state that a variance may be granted if there's a hardship but as stated,

there is no hardship. Swan asked about what his next steps are with the CUP recommended for approval and the variance denied. Gritman said that he would resubmit the new plans (less 60 sq ft) and request a building permit, and there is no need to go back to planning commission or council.

ERIC HAGEN MOVED TO ADOPT RESOLUTION NO. PC-2021-025, RECOMMENDING APPROVAL OF THE CONDITIONAL USE PERMIT, BASED ON FINDINGS IN SAID RESOLUTION, AND THE CONDITIONS OF APPROVAL AS REQUIRED IN THE ORDINANCE AND IN EXHIBIT Z. MOTION SECONDED BY ANDREW TAPPER. MOTION CARRIED, 4-0.

ANDREW TAPPER MOVED TO ADOPT RESOLUTION NO. PC-2021-026, DENYING THE VARIANCE FOR A DETACHED GARAGE EXCEEDING THE TOTAL SQUARE FOOTAGE ALLOWANCE OF 1,500 SQUARE FEET ON A SINGLE-FAMILY PARCEL, BASED ON THE FINDINGS IN THE RESOLUTION. MOTION SECONDED BY ERIC HAGEN. MOTION CARRIED, 4-0.

B. Public Hearing – Consideration of a Request for Amendment to the Affordable Self-Storage PUD District for On-Site Storage Pods.

Applicant: Keith Burnham

Steve Gritman explained that the applicant proposes to utilize a portion of the current self-storage property along the westerly boundary of the property to store a series of “storage boxes” which are rented to individuals, and which are then used to self-store goods on the properties of the renter. The applicant indicates that the request is for a total of “approximately” 50 such storage boxes, which he suggests will be empty, and not contain any private property while they are stored at the Affordable Storage location. The applicant states that the boxes would be stacked two-high. Box dimensions are 8 feet tall by 8 feet wide, and in lengths of 8 feet, 16 feet, and 20 feet. As such, the boxes could be stacked to a height of 16 feet as proposed. It is noted that several of these boxes have already been moved on to the site counter to the requirements of the original PUD approvals and are currently in violation of the Zoning Ordinance. A violation notice has been issued, with further enforcement halted as the applicant moves through the amendment request process.

When the original PUD was granted for the self-storage facility on this property, it was specifically noted that outdoor storage of materials on the site would not be permitted. In Monticello, outdoor storage of materials is a use that is specifically relegated to industrial districts. The reason for this is that such areas often create a significant amount of noise and activity that is not compatible with neighboring “low-scale” uses, and particularly problematic for single family residential areas, where outdoor activities rely on relative quiet and nonindustrial activity on adjoining property.

The applicant’s materials do not specify, but the process by which the storage boxes would likely be transferred to and from the site would be via truck and some manner of lift, jack, or crane, increasing the heavy equipment activity and noise on the site. This activity is expected in an industrial area, but not in a

commercial district, and not in proximity to a residential neighborhood.

There is one self-storage site in Monticello that was granted an interim use permit for temporary storage boxes in the past. That site is the Storage Link facility at Dundas Road and Cedar Street. The City granted the IUP for this site as a temporary measure to accommodate expansion of the facility. There are at least three major aspects of this prior approval that differentiate it from the Affordable Storage request as noted in the staff report included.

In summary, the proposed storage box business on the Affordable Storage site would introduce what is commonly considered to be an industrial activity to the Affordable Storage PUD site. As noted, PUD requires a finding that the proposed development meets and exceeds the City's land use goals in exchange for relaxation of certain zoning requirements. Introduction of an industrial use on property guided for "low-scale" commercial use, adjacent to a low-density single-family neighborhood would be counter to this requirement.

Staff recommends denial of the PUD Amendment. Should the Planning Commission or Council desire to allow the use on the site, including through interim use permit, conditions will be required to be enumerated by the boards for Exhibit Z. Staff has provided a set of suggested conditions in Exhibit Z and in the resolution drafted for approval. If allowed as an interim use, such condition and timeline should be added to Exhibit Z.

Paul Konsor said the dilemma is that it changes business from residential to shipping containers and cranes, which is a different business altogether. As a business owner, he said he understands putting the two together. Andrew Tapper asked if the underlying zone, the B-3 zone, allows for outside storage and, Grittmann said it is not allowed, it is only allowed in an industrial district with certain restrictions. Eric Hagen asked if the boxes stacked two units' high are taller than the existing building. The boxes appear to be slightly taller than the existing structures. In looking at the pictures. Charlotte Gabler said that the shipping containers that are stacked there currently look out of place and unattractive, especially from the road or to residents living in the area. Gabler asked about the other site, Storage Link, and the interim use permit. Those are single containers on-site storage, temporarily. Andrew Tapper said his issue is the storage of empty boxes and that storage is not allowed on that site.

Hagen asked about how a storage pod sales facility how would be classified. Grittmann explained that a similar example of that would be General Rental where they store goods outside and renters pick and return those goods at that site. This business model is different in that people aren't coming to view them, pick them up or take them away. Another question brought up was if a request came from a PODS company to set up shop and sell pods, is that B-3 allowable or would that require a PUD? Schumann explained that facilities like PODS typically have a warehouse facility where the PODS are built and kept in the facility. On the other hand, if they wanted a display, it would be an accessory use and there would be limitations to that. If an applicant wanted to display a couple of these to show it's part of their business rather than stacking and

storing them, it still does not meet the requirements of the PUD and would have to be rewritten.

Public Comment:

Annie Decker from Decklin Group spoke on behalf of the applicant. She noted that this is a common incidental use to a self-storage business. The pods are empty, it is a temporary staging area and half the pods come assembled and half don't, so they assemble those on site. B-3 allows for incidental light manufacturing for an accessory use. In looking at this from the Comp Plan perspective, it states for the success of the commercial corridor to adapt to allow businesses to change to meet market demand and this fits good into that model. Decker said they read the conditions of approval and all the conditions are fine with exception of the hours of business as he would like to open at 7 a.m. As far as traffic, there would be no additional traffic or noise. The pods are moved with a UTV like what's used by the RV dealerships, no cranes or other heavy equipment is used. Decker said they are working with the applicant to find warehouse space to store the empty pods. There will be a secondary location where the pod is filled and stored. However, there is not currently an off-site location so there is not an area to store them. The long-term plan would be to have a warehouse but right now with the market demand he wants to launch the business from the Affordable Storage site.

Eric Hagen noted that if this is a short-term use thing, he could see an interim use permit being OK like what storage link has; however, if it's a long-term thing then we must weigh against a whole different set of long-term impacts. Decker said she is fine with an IUP, but she doesn't know how long it will take to find a suitable site and they have been looking for a while now.

Public Comment:

Sein Weinan is the 12-acre landowner to the south of the Affordable Storage property. He owns Storage Link and the Groveland property across the street. Weinan is against this approval as it will open a can of worms in his opinion. He said that he worked hard to get the storage facility, to follow the rules, and he totally enclosed Storage Link with a tall fence that looks like a building. He noted that Affordable Storage was originally required to put up a fence but then complained about it as it would impede his snow removal process, so he did not have to do so. Furthermore, Weinan said it would be allowing someone to just add on a business that the city is not getting any tax dollars for and that doesn't make sense. It doesn't belong there, doesn't belong up against the neighborhood and these boxes would be crammed into his snow piling area.

Charlotte Gabler said she feels like it's a slippery slope to just violate the existing PUD by doing what's not allowed and then asking for permission later. Tapper noted that outdoor storage is a very hot button item even in the industrial area, and he, too, has a problem with "well we did it and now we're asking for forgiveness". The request is for outdoor storage, and it is not allowed, period.

Hagen agreed that the applicant is currently in violation, that the Planning

Commission is not responsible to enforce that, but that the outdoor storage is not allowed.

ANDREW TAPPER MOVED TO ADOPT RESOLUTION PC-2021-027 DENYING THE PUD AMENDMENT BASED ON FINDING AS IDENTIFIED IN SAID RESOLUTION. MOTION SECONDED BY KEITH HAGEN. MOTION CARRIED, 4-0.

C. Public Hearing – Consideration of a Request for Preliminary and Final Plat for a Car Wash Facility in the B-3 (Highway Business) District

Applicant: RRG Holdings, LLC

Steve Grittman explained that the applicants are seeking a combination of several remnant parcels into a single platted parcel. The platting includes abandoned right of way for previously designated street alignments and platting of required right of way to accommodate existing road alignments and required drainage and utility easements. The applicants will then construct a car wash facility on the newly platted lot, a permitted use in the B-3, Highway Business District.

The applicant is establishing a plat consisting of one building lot, but which is comprised of a series of parcels, easements, and former street rights of way. The property has been utilized as a single business parcel for many years, despite the complex legal descriptions underlying the use. At least five separate property Identification numbers (PIDs) make up the property in question. The plat consolidates this confused description by eliminating reference to the former rights of way and clearing the title for new development. In addition, it allows for the proper legal description and dedication of the Cedar Street and Dundas rights of way as now constructed.

the property owner has petitioned for vacation of the rights of way as needed to facilitate the plat as proposed. The applicant will be required to reestablish drainage and utility easements and plat right of way along Dundas and Cedar as required by the City Engineer.

Because the location is not near residential property, the external impacts are not expected to raise any issues. The applicant has provided support for the traffic lanes as proposed, and most of these items will be addressed as a part of the formal site plan review that accompanies building permit application. As a permitted use, the development is an expected facility in the B-3 District, with expected impacts.

From a site planning perspective, the primary driveway entrance to the site is the only departure from common development standards. The purpose of the multiple-lane entrance is to separate traffic between those customers continuing into and through the wash facility and those entering the parking area only. Staff would suggest that these driveways are marked well to distinguish lane locations and help drivers entering the facility to find the proper lane. The City Engineer has also reviewed this proposed configuration and made comments in their letter accordingly.

Staff recommends approval of the Preliminary Plat. As discussed, the plat is a significant improvement over existing conditions, and will result in a compliant B-3 parcel supporting redevelopment consistent with the City's zoning requirements and Comprehensive Plan objectives. This recommendation incorporates the conditions identified in Exhibit Z. The final plat will be reviewed by the City Council for conformance to the preliminary plat.

Paul Konsor asked if this is going to be right across from the city land that is slated for parkland within Chelsea Commons. Grittmann noted that there are plans that may shift the park around the Chelsea Commons complex. If that happens, then this would be across from commercial property. Charlotte Gabler asked if the applicant is aware that we may close part of Dundas Road. Grittmann said that we aren't closing Dundas to the commercial and that small leg out to TH 25 stays. Andrew Tapper asked for clarification on what is requested of Planning Commission, just talking about the preliminary plat at this time and not the design.

ANDREW TAPPER MOVED TO ADOPT RESOLUTION NO. PC-2021-028, RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT, BASED ON FINDINGS IN SAID RESOLUTION, AND THE CONDITIONS OF APPROVAL IDENTIFIED IN EXHIBIT Z. MOTION SECONDED BY ERIC HAGEN. MOTION CARRIED, 4-0.

D. Public Hearing – Consideration of a Request for Ordinance Amendment to allow Excavation of Materials in the B-3 and B-4 Districts by Interim Use Permit

Steve Grittmann explained that the City is contemplating the potential extraction of sand and other aggregate resources as a part of an implementation plan for the Chelsea Commons project. Currently, the City's zoning ordinance only allows "Extraction of Materials" in the Agriculture-Open Space or Industrial zoning districts. The proposed amendment would establish a specific set of requirements for extraction in the B-3 and B-4 districts, where sand and gravel mining may have greater impact.

There are two primary proposed changes to the current code. The first is a reference correction in the existing language which no longer points to a place in the City Code, following the recent recodification of the City Code. The second relates to the changes being proposed that would allow extraction of minerals in the B-3 and B-4 Districts.

Finally, the City attorney has suggested that the excavation of a public stormwater pond and accompanying facilities may be considered an allowed public use, potentially exempt from what is often a private mining operation. This ordinance is designed to ensure that the City has covered possible eventualities for creation of the Chelsea Commons project and is intentionally narrowly written. City staff recommends the amendment to the zoning ordinance as presented.

Charlotte Gabler asked if the city hires a contractor to excavate on their behalf that it's still the city's permit, and Grittmann said that is correct. Paul Konsor asked why change the zoning for this parcel as opposed to a blanket zoning change. Grittmann said that the city doesn't regulate by parcel but rather we regulate by district. While the intention for this change is for this project Paul Konsor wondered if we are leaving open for others and Keith Hagen said he thinks the red tape that would stop that is that it has to be approved by the City.

ANDREW TAPPER MOVED TO ADOPT RESOLUTION NO. PC 2021-030 RECOMMENDING ADOPTION OF THE ORDINANCE. MOTION SECONDED BY PAUL KONSOR. MOTION CARRIED, 4-0.

3. Regular Agenda

A. Consideration of finding that land acquisition of Outlot A, Cedar Street Addition by the City of Monticello is in conformity with the Monticello 2040 Comprehensive Plan

Angela Schumann said the Planning Commission is asked to consider adopting a resolution finding the acquisition of Outlot A of Cedar Street Addition by the City of Monticello is in conformance to the City's Monticello 2040 Comprehensive Plan.

The approximately 35.6 acre subject acquisition parcel is guided "Commercial Residential Flex" in the Comprehensive Plan and is currently zoned B-3 (Highway Business) and B-4 (Regional Business) District. Over the last 7 months, the City has been working on developing a small area plan (SAP) known as "Chelsea Commons", which includes this parcel within its geographic scope.

The initial concept prepared for Chelsea Commons combines a varied mix of commercial services, residential living opportunities, and public open space amenities, consistent with the Land Use, Growth and Orderly Annexation chapter of the 2040 Plan.

The City's acquisition of the parcel is intended to support and facilitate the "Chelsea Commons" plan, specifically providing the City with additional control over the timing of the core public improvements, including the water feature, parkland, and transportation elements of the site. Through ownership, the City will also be able to strategically manage private development consistent with the SAP's goals.

The parcel is currently privately owned and has been used for agricultural purposes for over 25 years. The City Council authorized a purchase agreement on July 12th, 2021 for this site, contingent on Commission's review for Comprehensive Plan conformance. City staff supports the acquisition and sees it as consistent with the Monticello 2040 Plan.

Angela Schumann informed the Commission that there will be a Special Joint Workshop on Thursday evening at 5 p.m. to gather final feedback of the four primary components of the Chelsea Commons plan that will be presented to a public hearing in September. Keith Hagan thanked Angela Schumann for providing such detailed background information in her staff report.

PAUL KONSOR MOVED TO ADOPT RESOLUTION PC-2021-029 FINDING THAT THE PROPOSED ACQUISITION OF OUTLOT A, CEDAR STREET ADDITION BY THE CITY OF MONTICELLO IS CONSISTENT WITH THE CITY OF MONTICELLO 2040 COMPREHENSIVE PLAN. MOTION SECONDED BY KEITH HAGEN. MOTION CARRIED, 4-0.

B. Consideration of the Community Development Director’s Report

Angela Schumann provided the Community Development Director’s Report as included in the agenda.

4. Added Items

None.

5. Adjournment

MEETING ADJOURNED AT 8:09 P.M.

Recorder: Angela Schumann _____

Approved: September 7, 2021

Attest: _____

Angela Schumann, Community Development Director