

**CITY OF EAGLE LAKE**  
**May 17, 2021**  
**PLANNING COMMISSION MEETING**

**Call to Order**

- Meeting was called to order at 6:02 p.m. by Chairman Talle.  
Present: Chairman Talle, Commissioners Beckel, Hughes, Rose, Scheurer, Norton, and Miller.  
Absent: Commissioner McCarty.  
Staff Present: City Administrator Bromeland and Administrative Clerk Mandy Auringer.  
Others in Attendance: Rosie Brunmeier, Scott Wangen, Mark Fromm, Beth Rohrich, and Jessica Steinke.

**Approval of Agenda**

- There were no additions to the agenda. Commissioner Rose moved, seconded by Norton to approve the agenda. A roll call was taken with all in favor. Motion carried.

**Approval of Minutes**

- Commissioner Norton moved, seconded by Commissioner Rose to approve the Planning Commission meeting minutes from April 19, 2021. A roll call vote was taken with all in favor. Motion carried.

**New Business**

1. Variance Application: Administrator Bomeland gave an overview for the public hearing scheduled for 6:00 p.m. this evening to consider a variance application from Mark and Rolene Fromm, owners of the property located at 112 Parkway Ave. The property is in the "Parkway District" that includes properties that are zoned B-1 Community Business District, from 598<sup>th</sup> Ave. to Agency St. The owners are seeking a variance to convert an existing commercial building into multi-family apartments. The owners are seeking a variance for a property use that otherwise is not allowed in a B-1 Community Business District. The Parkway Avenue District will accommodate residential uses when located above or behind commercial development. The proposed use does not include a commercial use for the property. A public notice was mailed out to all property owners within 350 feet of the subject property and a copy of the proof was published in the City's legal newspaper. The Planning Commission will need to make findings that show why the subject property meets practical difficulties test. Section 6.080, subdivision 13, states that no variance shall be granted to establish a use not permitted in the zoning district where the subject property to the application is located. A variance once approved runs with the property and not with the property owner. Per an inquiry to the City's legal counsel, if the property has not been platted that

is an action that will need to be taken at some point and will require the property to be surveyed and a plat prepared. This is not an action that needs to occur at this time since there is a legal description of the property. Legal counsel advised that the existing structure is a non-conforming use and that it may be maintained, and the interior remodeled as long as construction does not increase the size of the building or modify a load bearing wall.

- Chairman Talle opened the Public Hearing. There were no comments. Chairman Talle closed the Public Hearing.
- Commissioner Miller asked if they had thought about a commercial component to meet the permitted use? Mr. Wangen stated he did not have any businesses interested in commercial space and does not want to try and rent out a commercial space.
- Commissioner Hughes asked if they were looking at using tax increment financing (TIF). Mr. Wangen said they will not ask for TIF.
- Commissioner Rose stated he wants to see the building filled.
- Commissioner Beckel commented that after looking at what the City Attorney stated about the variance, he does not understand how the Planning Commission can pass this being there is no practical difficulties per Section 6.080, subdivision 9 A. (No variance shall be granted unless the applicant establishes that conforming to the strict letter of the provisions of this Ordinance would create a practical difficulty. Practical difficulties as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner that is not permitted by the zoning ordinance: the plight of the landowner is due to circumstances that are unique to the property and that were not created by the landowner; and the variance if granted will not alter the essential character of the neighborhood. The practical difficulty shall amount to more than a mere inconvenience to the owner and the practical difficulty shall relate to the physical situation of the lot rather than the personal situation of the current owner of the lot. Economic conditions alone do not constitute a practical difficulty.) Commissioner Beckel stated he can sympathize with the owner, but he believes the reason for the variance is purely economical and due to the personal situation more than the physical property situation. Commissioner Miller and Scheurer agreed that there does not seem to be a practical difficulty described in City Code. Commissioner Hughes stated she thinks that the practical difficulties would be on the city if the building deteriorated and would eventually need to be tore down.
- Chairman Talle stated he believes it comes down to how you interpret the code. He stated it does not alter the character of the neighborhood, is unique since the building was built prior to setback requirements, and the property will be used in a reasonable manner. He believes it meets the requirements for a variance.
- Commissioner Scheurer asked what qualifies this property as “unique”? Chairman Talle stated it is due to the existing lot not meeting setback requirements.
- Commissioner Hughes asked Mr. Fromm and the Fromm’s realtor, Rosie Brunmeier, if there had been any other prospects on the building. Mr. Fromm stated there had been a few. Mrs. Brunmeier stated she had received a lot of calls, but those who were interested were either unable to get financing or the property was too large or small for what the potential clients were looking for.

She stated some of the issues were due to no visibility from highway traffic. She has not had anyone interested in it for potential office space.

- Commissioner Norton asked how long ago the other locations were made into residential properties. Administrator Bromeland stated that the home that is located on Parkway was built in 1991 and all the others were converted before the “Parkway District” was adopted in 2016.
- Commissioner Rose made a motion, seconded by Commissioner Hughes to recommend to the City Council that the variance be granted. A roll call was taken with Chairman Talle abstaining. Commissioners Hughes, Rose, Norton, and Miller voting yes. Commissioners Beckel and Scheurer voting no. Motion carried.

2. MVCOG Planning Commission Presentation: Jessica Steinke, Program Director:

- Jessica Steinke with MVCOG went through Planning Commission Training.
- The areas she went over with the Planning Commission were:
  - Training Local Government Officials
  - Planning
  - 60 Day Rule
  - Finding of Facts
  - Planning Commission Role
  - Board of Adjustments/Appeals Role
  - Role of Staff
  - General Zoning
  - Zoning Districts
  - Other Types of Zones (PUD)
  - Use Categories: Permitted, Conditional, Accessory
  - Conditional Use Permits (CUP)
  - Variances
  - Legal Non- Legal Non- Conformities
  - Subdivisions
  - Subdivision Reviews
  - Public Hearing Process
  - Amendments
  - Rezoning
  - Comprehensive Plan
  - Parliamentary Procedure: Order of Business and How to Make a Motion
- Chairman Talle asked when was the last time they had reviewed and updated the Comprehensive Plan? Administrator Bromeland stated she believed it had been more than 20 years. Ms. Steinke

recommends every 5 to 10 years to review and update. She also stated that the COG can help with the process free of charge.

### **Other**

#### **3. Building and Zoning Permit Activity:**

- Permit activity was presented for the months of April and May.
- The next regular scheduled Planning Commission meeting is June 21, 2021 at 6:00 p.m. in City Hall Council Chambers, 705 Parkway Avenue.

### **Adjournment**

- Commissioner Rose moved to adjourn, seconded by Commissioner Norton. A roll call vote was taken with Chairman Talle and Commissioners Beckel, Hughes, Rose, Scheurer, Norton, and Miller voting in favor. Meeting adjourned at 6:54 p.m.

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**Trent Talle, Chairman**

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**Mandy Auringer, Administrative Clerk**