

CITY OF EAGLE LAKE
JUNE 17, 2019
PLANNING COMMISSION MEETING

Call to Order

- Meeting was called to order at 6:00 p.m. by Chairman Talle.
Present: Chairman Talle, Commissioners Brandt, McCarty and Norton.
Absent: Vice-Chairman Beckel, Commissioners Hughes and Rose.
Staff Present: City Administrator Bromeland and Administrative Clerk Grassman

Approval of Agenda

- Commissioner McCarty moved to approve the agenda as written and Commissioner Norton seconded. Motion carried with Chairman Talle and Commissioner Brandt voting in favor.

Approval of Minutes

- Commissioner McCarty moved, seconded by Commissioner Brandt, to review and approve the Planning Commission meeting minutes from May 20, 2019. Motion carried with Chairman Talle and Commissioner Norton voting in favor.

New Business

- Public Hearing for Re-Zoning Request Received from 401 LeRay Avenue
 - Administrator Bromeland stated notice was mailed out to all property owners within 350 feet of the property at 401 LeRay Avenue. The property is currently zoned R-1 Residential District and the owner, Craig Groebner who is in attendance this evening is requesting that be re-zoned R-2 One and Two Family Residential District for the purpose of converting the property as a single family dwelling to a two family dwelling or a duplex which is allowed in an R-2 district. Administrator Bromeland stated she had not received any written notice from any property owners within 350 feet objecting to the re-zoning request.
 - Chairman Talle asked the applicant Craig Groebner if he had any further information he would like to share before the public hearing started. Mr. Groebner stated he was provided with a list of rental properties within Eagle Lake and the rental property that is within 250 feet has no possible way of passing a rental inspection. Mr. Groebner spoke with Dan Murphy, city Building Inspector regarding the rental property and stated he would take a look at the property. Mr. Groebner stated he then came into City Hall and was told inspections take place in January, he then called Dan Murphy back after leaving City Hall and Mr. Murphy stated he would look at the property in question right away.
 - Administrator Bromeland clarified that what was talked about today between Mr. Groebner that when a typical inspection process takes place and that a property is inspected every three years when their rental license is up for renewal. Which would incur in January and after speaking with Mr. Groebner we immediately made contact with Dan Murphy, city Building Inspector and he will be doing an inspection to the property in question, 308 LeRay Avenue. Administrator Bromeland stated that the property owner of that rental license will have a chance to correct any deficiencies that require corrective action and if they do not comply, there is a process to revoking their rental license if it gets to that point.
 - Commissioner Brandt asked if there is a variance process for rental licenses. Administrator Bromeland stated that re-zoning is the only option that is she currently aware of.
 - Chairman Talle opened the Public Hearing at 6:05 pm.
 - Kerry Rausch, 328 LeRay Avenue. Mrs. Rausch stated that Mr. Groebner purchased the property knowing in advance that it was zoned as R-1 Single Family and could not be converted to a duplex due to zoning. He also knew that there was a rental license within 250 feet so he could not be issued a rental license. She had personally explained this to Mr. Groebner as she handles the rental license for the city and stated to him that in order to do what he was looking at he would need to request for the parcel to be rezoned. Mrs. Rausch as went over the land use plan which shows the property of 401 LeRay Avenue zoned as R-1 and covered what the League of MN Cities guide lines state for spot zoning and felt that Mr. Groebner's request does not qualify for

spot zoning the parcel to an R-2. Mrs. Rausch stated that the only other option would be for the city to amend chapter 15 of the city code regarding rental regulations. With other rentals in the area as well as multiple apartment complexes and future complexes be built in the area, there is already a high amount of traffic as the only exit out is LeRay Avenue onto 598th Avenue to travel on highway 14 in both directions. Mrs. Rausch stated she is not opposed to rental licenses but is opposed to spot zoning and making modifications to the current rental code.

- Monica Broughten, 325 LeRay Avenue. Mrs. Broughten stated she was on the Planning Commission back in 2003-2004 when the rental code was being put into place and they had to go door to door to see who was renting and who was not. Mrs. Broughten stated that if you look at Eagle Lake we do not want it to continue to be a place for more rentals, if we step back and look at making this a community of families not people that are just renting out their homes. Traffic issue is bad for those that live on LeRay Avenue, there is no traffic control. Kids play on the road and no traffic is monitor regarding the speed that cars are traveling at. LeRay and 598th exit can have a wait of six or more minutes to get out, before you are getting onto the highway. When the house was built it was built as a duplex and the owner tried to ask for forgiveness and it was not granted. The housing in that area is affordable housing for families and we want to keep families with children in that area. Mrs. Broughten asks that the city keep it zoned as an R-1 and any future buyers of that property understand that it will stay as an R-1. Mrs. Broughten stated that rentals are short term and that family owned property help the community and support our school.
- Marty Meyer, 316 LeRay Avenue. Mr. Meyer stated he has lived there for 10 years and every year it keeps getting busier because of all the new rentals, apartments and townhouses. Land volume on the north side of town is a lot smaller than the land volume on the south side. Traffic issues with cars going at a high rate of speed.
- Chairman Talle closed the public hearing at 6:17 pm and discussion will now be held between the Planning Commission members. Commissioner Brandt stated he is opposed to spot zoning and feels that the city should stay away from doing so. Commissioner Norton asked how often have we re-zoned properties in the past and Chairman Talle stated the most recent re-zoning was at Linda Path that area was B-1 Community Business District and re-zoned to R-3 Limited Multiple Family Residential District. Commission Brandt brought up the rezoning of a property along 598th Avenue, Administrator Bromeland was the property Richard Ringler and Devin Baumgartner are going to develop was rezoned R-3. The property was annexed in as Agricultural. Chairman Talle stated that is the typical process when a property is annexed into the city and then typically rezoned.
- Chairman Talle asked Administrator Bromeland since there are a lot of things in close proximity to this property as far as other R-1 houses, would this meet the definition of spot zoning. Administrator Bromeland stated if the Commission and City Council looked at changing an area verses one single parcel of land; it is definitely spot zoning if you are just looking at doing one parcel. If you are looking at addressing an area of town and changing the zoning district that may be more palatable to people, otherwise it is seen as spot zoning with just picking one parcel out of an R-1.
- Commissioner McCarty stated he agrees that it should not be spot zoned and sees it as a nuisance property with it being built as a duplex and denied since it was built in an R-1 district.
- Motion was moved by Commissioner McCarty for the rejection of the re-zoning request at 401 LeRay Avenue, seconded by Commissioner Brandt. Motion is carried with Chairman Talle and Commissioner Norton voting in favor. Request will go to the City Council for final discussion at the next meeting, Monday, July 1st.
- Letter from 304 LeRay Avenue Regarding Possible Re-Zoning Request
- Administrator Bromeland stated Mariah Chapman the property owner of 304 LeRay Avenue was also at the last Council meeting as did Mr. Groebner and she would like to move out of town but does not want to see her property. Ms. Chapman approached the city to get a rental license and she is also located within 250 feet of another rental license. After talked with the council and stating her dilemma the council stated they have no

desire to change the rental code. Ms. Chapman could not be at tonight's meeting so she submitted an email to pass along to the Planning Commission.

- Chairman Talle stated that they try to stay away from re-zoning and spot zoning requests. Unless the council is interested in changing the rental code, the Planning Commission has no interest at this time.
- Zoning Code Language and Possible New Home Construction Limitations: Mark Hiniker
 - Administrator Bromeland stated Mark Hiniker sent an email stating he would not be able to attend this evening's meeting. Administrator Bromeland has encouraged them to come to the Planning Commission meetings to have a discussion and talk about the different issues they are encountering.
 - Chairman Talle stated that the city can appreciate that Gary Hiniker has bought this subdivision and did not develop this area and trying to build homes in this subdivision. We know that he did not plat it for the homes they are looking at construction on these available lots, but we would like to have a conversation with them to try and figure out what we can do to help them with these projects.
 - Chairman Talle stated when you look at our zoning code requirement what we require is fare for the lots they have available. Commissioner McCarty stated that they are very close to being compliant with what they are proposing to construct on this lot. Chairman Talle stated that the Planning Commission wants to look at the big picture and discuss their projects with them in further detail.
- Upcoming July 15th Public Hearing for Minor Subdivision Application from 21570 598th Avenue
 - Administrator Bromeland stated that Richard Ringler and Devon Baumgartner are ready for the public hearing coming up at the next meeting, which would be by July 15th. They did stop by the city hall last week and they are working with Chris Larson, from ISG. They had mentioned a possible concern with their rear setback, and possibly being seven feet short and may need to apply for a Variance. Administrator Bromeland will verify this with Chris Larson from ISG. After talking with Chris if he confirms this information that they do need a Variance, she will schedule the public hearing for the variance at the same time as the minor subdivision application. No action is needed at this time, just informing on the public hearing for next Planning Commission meeting.
 - Commissioner McCarty brought up from previous meetings regarding the project on the concern of the amount of hard surface and concrete being used. Administrator Bromeland stated she did bring up the code requirements to Richard Ringler and Devon Baumgartner.
- Future Land Use Classification Discussion Regarding Mankato Motorsports Project
 - Administrator Bromeland stated she was contacted by Brad Bass of Bradford Development and he had asked that we move up the process of the land use and the rezoning. Administrator Bromeland had emailed the city attorney to see if we are able to move along with the processes and is waiting to hear back. This would be contingent on if the property gets annexed into city limits. Mr. Bass wants to get going if the annexation goes through he can get things moving quickly.
 - Chairman Talle stated that people have in the past come in front of the Planning Commission with requests and it has been contingent on the purchase agreement going through.
 - Commissioner McCarty brought up the status of an Environment Assessment Worksheet (EAW) and where they are at with the project. Administrator Bromeland stated we have not received a report on that and have been receiving monthly updates at this time. Commissioner McCarty stated that the Planning Commission should not invest too much of their time, until we know that they have done the work on their end. This may lead to a different outcome that changes the project's outcome.
 - Commissioner Norton asked if the Lime Township proposal was shot down. Commissioner McCarty stated it was due to noise concerns that Lime Township had. Commissioner McCarty stated they had been looking at a conditional use permit for the project in Lime Township which would have a five year renewal process.
 - Chairman Talle mentioned if there had been any further discussion on the shoreland ordinance. Administrator Bromeland stated there was nothing at this time to report back on for the shoreland ordinance.
 - Commissioner McCarty stated in talking with Lime Township one of the issues they were coming across was how to classify an accessory structure because they are habitats or houses. It is somewhere between a B-1

Community Business District and Industrial District use as an automobile complex with the ability to have housing on the same site. Lime Township was looking at having the accessory structures zoned Residential and be separate from the track, but that causes issues for the shoreland ordinance and creating separate setback requirements. Commissioner McCarty stated he understands that they do not want to spend a lot of money ahead but the more they invest in preparing an accurate plan on what they are going to do, measurements and how they want to do stuff. It will provide us with giving better feedback and for residents it will alleviate some of the confusion on the Motorsports project.

- 2019 Building Permit Activity (May)
- Administrator Bromeland stated the May building permit activity is for informational purposes only, no formal action is required.
- Next Regular **Planning Commission** Meeting – July 15, 2019 at 6:00 pm in City Hall Council Chambers, 705 Parkway Avenue.

Adjournment

- Commissioner Norton moved to adjourn and Commissioner Brandt seconded. Motion carried with Chairman Talle and Commissioner McCarty voting in favor.
- Meeting adjourned at 6:36 p.m.

Brittany Grassman, Administrative Clerk

Trent Talle, Chairman