

MINUTES
CITY OF LONSDALE
REGULAR PLANNING & ZONING COMMISSION MEETING
DECEMBER 18, 2008

MEMBERS PRESENT:

Gary Skluzacek, Jim Freid, Dave Dols, John Duban, Joe Kodada, Cindy Furrer, and Harold Vosejpka

MEMBERS ABSENT:

None

STAFF PRESENT:

City Planner Benjamin Baker

1. CALL TO ORDER

Chairperson Dols called the meeting to order at 6:30 pm in the Council Chambers at 415 Central Street West.

2. AGENDA

Chairperson Dols asked if anyone had any additions or deletions to the agenda.

A motion was made by Duban and seconded by Skluzacek to approve the agenda as presented. Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0). Motion carried.

3. APPROVAL OF MINUTES

A motion was made by Duban and seconded by Kodada to approve the minutes from the October 16, 2008 regular meeting. Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0). Motion carried.

4. PUBLIC COMMENT

None

5. PUBLIC HEARING

- a. Rezone & Conditional Use Permit (CUP) Request by Chad McLaughlin – 104 3rd Avenue SW: (1) Rezone from: “B-3, Central Business” to: “B-2, Highway and Business Service District”; (2) CUP in order to run an Automobile Sales Lot (“Open Sales Lot”) within the “B-2 District”

Dols read the notice and opened the public hearing. Baker read through the staff report. Baker stated that Andy Barron was the property owner and Chad McLaughlin was the

applicant. He said that McLaughlin was in the process of signing a contract for deed, contingent on CUP approval, with the option to buy the subject property in five years. Baker said that the applicant was requesting to rezone the subject property from “B-3, Central Business” to: “B-2, Highway and Business Service District”. The applicant is also requesting a Conditional Use Permit in order to run an Automobile Sale Lot / “Open Sales Lot” within the “B-2 District”. He said that the property currently consists of a 1,072 concrete block building, a concrete parking surface, and an asphalt parking surface. He said that McLaughlin currently runs an internet car sales business. He said that McLaughlin is pursuing a Minnesota Dealer License from Driver and Vehicle Service (DVS). He stated that before a dealer license application is considered complete by the DVS, the requirements listed on the “Commercial Location Checklist Form / PS Form 2410” must be met. He stated the requirements listed on Form 2410. Baker said that McLaughlin is planning to run his car sales business at 104 3rd Avenue SW with no more than 10 vehicles for sale parked on-premise. He said that the applicant plans to erect a commercial sign on the north side of the building advertising his new business and to erect a privacy fence along the southern property line. Baker provided a copy of the certificate of survey, a proposed site plan, the applicant’s CUP answers, and Form PS 2410 for the Commission to review. Baker said that no written or verbal comments were received at City Hall.

Andy Barron, 843 2030th Street East, Lakeville, MN, said that he said that he would check in with the property owners 108 3rd Avenue SW to see what type of screening they would prefer. He suggested that they may want screening bushes or trees instead of a privacy fence.

Dols asked if anyone else wanted to comment on the land use requests. No more comments were made.

A motion was made by Duban and seconded by Fried to close the public hearing. Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0). Motion carried. The public hearing ended at 6:45 pm.

6. OLD BUSINESS

None

7. NEW BUSINESS

- a. Consider Approval of a Rezone & Conditional Use Permit (CUP) Request by Chad McLaughlin to Rezone the Property at 104 3rd Avenue SW from: “B-3, Central Business” to: “B-2, Highway and Business Service District” and Obtain a CUP to run an Automobile Sales Lot (“Open Sales Lot”) within the “B-2 District”

Baker stated that City staff recommends approval of both the rezone and CUP requests. Dols said that the Commission should make two different motions. He also asked the

Commission to consider the new types of uses that would be allowed if the subject property would be rezoned to “B-2”. Baker provided all the permitted and conditional uses listed in the “B-2 District” to the Commission. Duban asked about the inside of the building. Barron said that the inside ceiling is only 8’ to 9’ tall, so car hoists do not work. Barron said that only limited car repair is possible inside the garage area. Kodada said that the subject property was previously a car lot and he said that “open sales lot” is a good use of the property.

A motion was made by Kodada and seconded by Duban to recommend approval of an amendment to the Official Zoning Map: rezoning 104 3rd Avenue SW to “B-2, Highway and Business Service”. Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0). Motion carried.

Baker read through City staff’s suggested CUP conditions. Duban suggested that a neighbor agreement be signed before the proposed privacy fence is erected. Kodada asked if the cars would be lined up nice and orderly. McLaughlin said yes.

A motion was made by Kodada and seconded by Freid to recommend approval of a Conditional Use Permit to allow an “Open Sales Lot” at 104 3rd Avenue SW with the following conditions:

1. A 72’ long privacy/screening fence shall be erected along the southern property line (starting from the western property and running to the eastward). Said fence(s) shall require a building permit and signed encroachment agreement with the property to the south; or screening trees, if approved by the property owner at 108 3rd Avenue SW.
2. A building (sign) permit shall be required for any new sign.
3. No more than ten (10) vehicles for sale shall be parked on-premise at a given time.
4. All vehicles shall be parked on an asphalt or concrete surface.
5. All outside lighting shall be directed away from neighboring properties and met the requirements listed in City Code §153.040 (H) (8) (c) Lighting.
6. Any future alterations or construction to the existing building shall meet the standards listed in City Code §153.040 (H) (8) (a) “Building design and construction materials” and (g) “Nonconforming materials”.

Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0).
Motion carried.

8. MISCELLANEOUS

Baker reminded the Commission that the City is currently in the process of Codifying its City Code. He said that once the process is completed and placed on the internet by American Legal, he would show the Commission how to look up certain regulations or sections. Baker also asked the Commission to think of any goals they may want to focus on in 2009. He said that the City should look at cleaning up some of the unzoned areas on the Official Zoning Map. Skluzacek asked if the new Jaycee Park warming house was setback far enough.

Baker said that City Code doesn't show any setbacks listed for that property because it isn't officially zoned. Skluzacek also asked if the City had a survey completed for the warming house project or the East Elementary School viewing platform project. Baker reminded the Commission that the City Council entered into an agreement with the School District to create a playable little league ball field and nature center. John Duban stated that he was part of the nature center committee along with city staff and school district staff. He mentioned that the committee helped locate the nature trails and viewing deck. Baker said that the City provided the school district with money, labor, and resources for the two projects. He also stated that it was the responsibility of the school district to obtain a building permit.

9. ADJOURNMENT

A motion was made by Kodada and seconded by Fried to adjourn the meeting. Vote for: Skluzacek, Freid, Dols, Duban, and Kodada; Against: None (Vote 5-0). The meeting ended at 7:20 pm.

Respectfully Submitted:

Benjamin Baker, City Planner