

**MELROSE PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MONDAY, JANUARY 28, 2019 – 6:30 P.M.**

**AGENDA**

1. Call to Order/Roll Call/Pledge of Allegiance
2. Oath of Office
3. Approval of Agenda
4. Approval of Minutes
5. Public Hearings
  - a. **CASE NO. PP-1-2019-201 and FP-1-2019-202** Preliminary / Final Plat Church of St. Mary
  - b. **CASE NO. PP-1-2019-203 and FP-1-2019-204** Preliminary / Final Plat Melrose 1 Stop
  - c. Small Cell Ordinance
6. Reports
  - a. Director Atkinson – Report
7. Action Items
  - a. **CASE NO. PP-1-2019-201 and FP-1-2019-202** Preliminary / Final Plat Church of St. Mary
  - b. **CASE NO. PP-1-2019-203 and FP-1-2019-204** Preliminary / Final Plat Melrose 1 Stop
  - c. Aesthetic Standards for Small Cell Wireless
8. Unfinished Business
9. New Business
  - a. Sign Ordinance Amendment
10. Informational Items
  - a. Next Meeting
11. Issues by Planning and Zoning Commission Members and/or Staff
12. Adjournment

**MELROSE PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MONDAY, JANUARY 28, 2019 – 6:30 P.M.**

**A.I. #1 CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**

The Melrose Planning and Zoning Commission met in a Regular Meeting on Monday, January 28, 2019 at 6:30 p.m. at the Melrose City Center pursuant to due notice being given thereof. Present were Commission Members Jason Seanger, Kevin Thomes, Mike Klaphake, Dave Berscheit, and Mark Hill, and Community Development Director Lisa Atkinson. Commission Members Adam Paulson and Shawn Mayers were absent. Also in attendance were Gary Walz and Dan Krohn representing the Church of St. Mary's. Chair Seanger called the meeting to order.

The Pledge of Allegiance was recited.

**A.I. #2 OATH OF OFFICE**

At the Council's January 3, 2019 meeting, Mark "Bunker" Hill was appointed as the Council's representative to the Commission for a one-year term. Director Atkinson administered the Oath of Office to Mr. Hill.

**A.I. #3 APPROVAL OF AGENDA**

A motion was made by Mr. Thomes, seconded by Mr. Klaphake and unanimously carried to approve the agenda as submitted.

**A.I. #4 APPROVAL OF MINUTES**

A motion was made by Mr. Hill, seconded by Mr. Berscheit and unanimously carried to approve the minutes from the Commission's January 7, 2019 Regular Meeting.

**A.I. #5 PUBLIC HEARINGS**

- a. The Planning and Zoning Commission held a Public Hearing for the purpose of giving consideration to approval of the preliminary/final plat of Church of St. Mary. This subdivision is being requested by the Church of St. Mary at 402 2<sup>nd</sup> St SE, Melrose, MN 56352.

Director Atkinson included in the attachments the required Affidavit of Publication of the Hearing Notice which was published in the *Melrose Beacon* on January 16, 2019, the Affidavit of Posting of Notice of Hearing which was posted on January 17, 2019.

Director Atkinson provided a brief overview of the preliminary and final plat.

Dan Krohn, the surveyor on the Church of St. Mary project, was present to answer any questions. Mr. Krohn noted the proposed easements are 30 x 40 for 7<sup>th</sup> Ave SE and 45 x 30 for 4<sup>th</sup> Street SE.

Mr. Krohn commented that he felt that conditions 4c and 4d had been addressed by the revised plat.

Mr. Krohn also stated the Church of St. Mary's is requesting that condition 4a and 7b be removed.

Mr. Krohn also questioned when the landscaping plan is required. Ms. Atkinson stated that they would be required at the time of pulling a building permit.

There being no further comment, the Public Hearing was closed at 6:52 p.m.

- b. The Planning and Zoning Commission next held a Public Hearing for the purpose of giving consideration to approval of the preliminary/final plat of Melrose 1 Stop Addition. This subdivision is being requested by Rahn Properties, LLC, Melrose, MN 56352.

Director Atkinson included in the attachments the required Affidavit of Publication of the Hearing Notice which was published in the Melrose Beacon on January 16, 2019, the Affidavit of Posting of Notice of Hearing which was posted on January 17, 2019.

Director Atkinson provided a brief overview of the preliminary and final plat for Melrose 1 Stop.

There being no further comment, the Public Hearing was closed at 6:55 p.m.

- c. The Planning and Zoning Commission next held a Public Hearing for the purpose of giving consideration to an adopting/amending an ordinance related to infrastructure including, but not limited to, small cell wireless, potentially including aesthetic standards, underground and spacing standards and other related infrastructure standards.

Director Atkinson presented the required Affidavit of Publication of the Hearing Notice which was published in the Melrose Beacon on January 16, 2019, the Affidavit of Posting of Notice of Hearing which was posted on January 17, 2019.

Ms. Atkinson stated that upon further research staff has determined that it is not relevant to have an ordinance of this nature. Most cities our size do not have an ordinance to address infrastructure including, but not limited to, small cell wireless, potentially including aesthetic standards, underground and spacing standards and other related infrastructure standards. Staff will be looking at existing ordinances to address any concerns

There being no further comment, the Public Hearing was closed at 6:58 p.m.

## **A.I. #6 REPORTS**

- a. Director Atkinson provided an update on current and upcoming planning and zoning related items.

## A.I. #7 ACTION ITEMS

- a. Following its review of the Planning Report, the related information and documents associated with this report along with public input received at the public hearing or in writing, the Commission gave consideration to making a recommendation to the Council regarding the Preliminary and Final Plat for the Church of St. Mary.

The current proposal is a Preliminary and Final Plat to develop a 27.56+/- acre property generally located at along 5<sup>th</sup> Ave SE, south of 2<sup>nd</sup> St SE and north of Kraft Drive.

The applicants would like to create two relatively large parcels:

- Lot 1, Block 1 (1.84+/- acres) includes the land owned by the church on the entire block immediately west of 5<sup>th</sup> Ave SE (between 2<sup>nd</sup> and 3<sup>rd</sup> St SE. This includes the existing rectory, office (house) and the church which has not been used following a March 2016 fire.
- Lot 1, Block 2 (24.77 +/- acres) includes the existing St. Mary's school, parking lot to the north, fenced in play area to the south of the school, playground, cemetery and the new proposed church along Kraft Drive.

A motion was made by Mr. Berscheit, seconded by Mr. Thomes and unanimously carried adopting the staff report.

Staff recommends **approval** of this application **with conditions (13)**.

1. Approval by the Planning and Zoning Commission and/or City Council based on the representations of any drawings presented as part of this application does not waive any requirement or development standard contained in the City ordinances.
2. This project is subject to the requirements and conditions contained within the approved Church of St. Mary Conditional Use Permit (CUP).
3. All requirements and comments noted in this staff report and related previous City approvals including, but not limited to, the approved Variance and CUP, shall be complied with, even if they are not noted in the conditions specifically.
4. The Preliminary and Final Plat and related plans shall be amended as follows:
  - a. **An additional six feet of right of way be dedicated along 4<sup>th</sup> St SE.**
  - b. A t-turnaround or one-sided turnaround of that nature would be acceptable at the ends of both 4<sup>th</sup> St SE and 7<sup>th</sup> Ave SE, although the location and dimensions need to be finalized. (It does not need to be installed until it is needed at some unknown point in the future.)
    - (1) **A 30 foot by 30 foot square of land shall be shown as right-of-way located about 10 feet east of the existing fire hydrant on the south side of 4<sup>th</sup> St SE, just east of the Donald Kraker property (518 4<sup>th</sup> St SE) near the west end of the land the church owns on the south side of 4<sup>th</sup> St SE.**
    - (2) **A 30 foot (north-south) and 40 foot (east-west) turnaround shall be shown as right-of-way located on the eastern side of 7<sup>th</sup> Ave SE to allow for snow plow turnaround.**

- c. **A 10-foot drainage and utility easement around the perimeter of each lot.**
- d. **A 10-foot easement around the perimeter of the stormwater detention ponds be shown and dedicated on the plat.**
- e. The **plat map** needs to have a key map and state the name of the City.
5. The landscaping plan shall be consistent with the approved CUP.
6. All required permits shall be obtained prior to work. Right-of-way permits are needed prior to working in the road right-of-way.
7. Electric Easements/Utilities:
  - a. Utility easements are needed for all electric utility features. A 25-foot easement is required around each electric apparatus with a 15-foot easement over all electric lines. **Easements will be required to be located, drawn, and legally described at the applicant's expense for any necessary easement(s) not shown on the current plat.**
  - b. **There is an existing electric line near Kraft Drive. If this is not in the proposed 10-foot utility easement, a wider easement will be required to be created at the applicant's expense.**
  - c. **The electric apparatus to serve the proposed new church will require an easement with an associated 15-foot easement along the electric lines to the apparatus and a 25-foot easement around the apparatus.**
  - d. **Any utility easements not currently in place over existing and future electric or other utility lines shall be created as separate easements.**
8. Stormwater:
  - a. A Stormwater Master & Maintenance Plan shall be approved before any new construction is permitted.
  - b. All required easements shall be delineated and dedicated on the Final Plat.
  - c. A Sauk River Watershed District (SRWD) permit will be required for the project. The project shall comply with SRWD requirements.
9. Utilities and Connections to City Services:
  - a. The property is near and/or already served by municipal sewer and water. Any additional connections shall occur at the developer's expense with required permits and City approvals.
  - b. The developer shall provide the City with record drawings of the as-built conditions.
  - c. The developer shall also provide the City with a minimum of 48 hours notice prior to making any connections to City services to allow for inspection services.
  - d. All materials must meet the requirements of the City of Melrose and the CEAM Specification, latest edition.
10. The SRWD has not yet provided written comments on the plat. Compliance with necessary SRWD requirements will be required. All SRWD permitting, review of plans and necessary approvals are required, as determined by the SRWD. It should be anticipated that a stormwater and erosion control permit will be required. Stormwater discharge rates will also require review and approval.
11. **Title** information regarding ownership is required to be submitted.
12. Any improvements made to the property in connection with this Plat shall be at the sole expense of the owner and shall not be the obligation of the City.

13. A Development Agreement (or Letter of Understanding in Lieu of the Development Agreement) shall be required and shall include the following, in addition to other related items:
  - a. Outlining maintenance requirements and responsibilities for required stormwater detention/retention areas
  - b. Requiring installation of the landscaping before issuance of a full Certificate of Occupancy. Ongoing maintenance of the fence and landscaping shall also be required.
  - c. Compliance with all conditions and comments noted in this Staff Report, the approved CUP and Variance, the Engineer's Site Plan review memo, and all applicable City requirements is required.
  - d. If the cemetery was ever gated, the Fire Department would require a lock box for emergency access.

Chair Seanger stated that he would recommend removing condition 4a, approve the 45 x 30 easement on 4<sup>th</sup> St SE, removing item 7b, and remove the word fence from 13b.

A motion was then made by Mr. Hill, seconded by Mr. Klaphake and unanimously carried recommending the Council adopt the resolution with conditions as modified.

- b. Following its review of the Planning Report, the related information and documents associated with this Report along with public input received at the public hearing or in writing, the Commission next gave consideration to making a recommendation to the Council regarding the Preliminary and Final Plat for Melrose 1 Stop.

The current proposal is a Preliminary and Final Plat to develop a 3.79+/- acre property generally located at the southwest corner of Kraft Drive and 2<sup>nd</sup> Ave SE/ County Road 13. The applicants previously had two parcels of land and then acquired some land from the cemetery. They would like to create one parcel that includes all of their land.

A motion was made by Mr. Thomes, seconded by Mr. Hill adopting the Planning Report as presented.

A motion was made by Mr. Berscheit, seconded by Mr. Klaphake and unanimously carried recommending the Council adopt the resolution with the conditions as follows:

1. Approval by the Planning and Zoning Commission and/or City Council based on the representations of any drawings presented as part of this application does not waive any requirement or development standard contained in the City ordinances.
2. This project is subject to the requirements and conditions contained within the approved Conditional Use Permit (CUP).

3. All requirements and comments noted in this staff report and related previous City approvals including but not limited to the approved Variance and CUP, shall be complied with, even if they are not noted in the conditions specifically.
4. The Preliminary and Final Plat and related Plans shall be amended as follows:
  - a. Staff has not yet received a 2019 plat version and is still using the 2017 version for comments. An additional set of plat review will need to occur at the staff level before City Council approval of the 2019 version.
  - b. The preliminary plat needs to show the correct zoning.
  - c. The preliminary plat states that the map is unofficial and did not have the benefit of a title commitment. This needs to be resolved and removed from the document.
  - d. An updated version of the preliminary plat and final plat needs to be submitted before City Council approval.
  - e. The plat map needs to have a key map and state the name of the City.
  - f. All data requirements of the subdivision ordinance shall be met.
5. A Landscaping Plan shall be submitted subject to the review and approval of the Planning and Zoning Commission.
6. All required permits shall be obtained prior to work. Right-of-way permits are needed prior to working in the road right-of-way.
7. Electric Easements/Utilities:
  - a. Utility easements are needed for all electric utility features. A 25-foot easement is required around each electric apparatus with a 15-foot easement over all electric lines. Easements will be required to be located, drawn, and legally described at the applicant's expense for any necessary easement(s) not shown on the current plat.
  - b. Any utility easements not currently in place over existing and future electric or other utility lines shall be created as separate easements.
  - c. Bollards shall be placed around any electric apparatus deemed to be at risk of being struck by a vehicle.
8. Stormwater:
  - a. A Stormwater Master & Maintenance Plan shall be approved before any new construction is permitted.
  - b. All required easements shall be delineated and dedicated on the Final Plat.
  - c. A Sauk River Watershed District (SRWD) permit may be required for the project. The project shall comply with SRWD requirements.
9. Utilities and Connections to City Services:
  - a. The property is near and/or already served by municipal sewer and water. Any additional connections shall occur at the developer's expense with required permits and City approvals.
  - b. The developer shall provide the City with record drawings of the as-built conditions.
  - c. The developer shall also provide the City with a minimum of 48 hours-notice prior to making any connections to city services to allow for inspection services.
  - d. All materials must meet the requirements of the City of Melrose and the CEAM Specification, latest edition.

10. The SRWD has not yet provided written comments on the plat. Compliance with necessary SRWD requirements will be required. All SRWD permitting, review of plans and necessary approvals are required, as determined by the SRWD. It should be anticipated that a stormwater and erosion control permit will be required. Stormwater discharge rates will also require review and approval.
  11. Title information regarding ownership is required to be submitted prior to City Council approval.
  12. Any improvements made to the property in connection with this Plat shall be at the sole expense of the owner and shall not be the obligation of the City.
  13. Driveway locations and widths shall be confirmed and approved by staff prior to construction. The northeastern driveway shall be reduced in width by approximately 35 feet with a surmountable curb and colored pavement. The western driveway shall be modified as necessary regarding the potential vacation of the right-of-way and regarding avoidance of vehicle stacking on road right-of-way.
  14. A Development Agreement (or Letter of Understanding in Lieu of the Development Agreement) shall be required and shall include the following, in addition to other related items:
    - a. Outlining maintenance requirements and responsibilities for required stormwater detention/retention areas
    - b. Requiring installation of the fencing/landscaping before issuance of a full Certificate of Occupancy. Ongoing maintenance of the fence and landscaping shall also be required.
    - c. Compliance with all conditions and comments noted in this Staff Report, the approved CUP and Variance, the Engineer's Site Plan review memo, and all applicable City requirements is required.
- c. Chair Seanger noted that staff is withdrawing its request for the Commission consider setting aesthetic standards on small cell wireless facilities. There are little to no examples to draw from and Melrose would be one the first cities of our size to pursue this.

A motion was made by Mr. Thomes, seconded by Mr. Berscheit and unanimously carried to take no action on setting aesthetic standards including, but not limited to, small cell wireless and directed staff to review the right-of-way and underground utilities ordinances during 2019-2020.

#### **A.I. #8 UNFINISHED BUSINESS**

None

#### **A.I. # 9 NEW BUSINESS**

- a. Chair Seanger stated that staff is requesting the Commission have a discussion regarding whether to allow changeable copy signs on walls or just on monument and freestanding signs. Changeable copy sign regulations were not amended in 2018. Example ordinances from other communities were provided.

A business in town is requesting two wall signs that are electronic. One on each wall of 4' 5" x 8' 3" in size (on Spiritz Liquor). If the Commission would like to make this change, it would be an appropriate time to review the changeable copy sign regulations overall and make any necessary changes.

Due to a conflict of interest, Mr. Klaphake recused himself from the discussion.

The Commission was not opposed to allowing changeable copy signs on walls or just on monuments and freestanding signs. The Commission agreed if the changeable sign is mounted on the wall, it would fall under the wall mounted sign section of the ordinance. Chair Seanger recommended staff research lumens/brightness of signs.

A motion was made by Mr. Berscheit, seconded by Mr. Thomes and unanimously carried directing staff to move forward with updating the ordinance.

#### **A.I. #10 INFORMATIONAL ITEMS**

- a. The Commission's next meeting is scheduled for Monday, February 25, 2019 at 6:30 p.m.

#### **A.I. #11 ISSUES BY PLANNING AND ZONING COMMISSION MEMBERS**

None

#### **A.I. #12 ADJOURNMENT**

A motion was made by Mr. Berscheit, seconded by Mr. Thomes and unanimously carried that the meeting be adjourned at 7: 40 p.m.

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PATRICIA HAASE – CITY CLERK