

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, JANUARY 7, 2019 – 6:30 P.M.**

AGENDA

1. Call to Order/Roll Call/Pledge of Allegiance
2. Oaths of Office
3. Election of Officers
4. Approval of Agenda
5. Approval of Minutes
6. Public Hearings
 - a. **Zoning Ordinance Amendment:** Section 1100, Non-Conforming Uses and Structures
 - b. **Ordinance Amendment:** Land Subdivision Regulations
 - c. **CASE NO. RZ-12-2018-307 / CASE NO. COMP-12-2018-514: Rezoning and Comprehensive Plan Amendment** – Amend the Zoning Map Designation and Amending the Current and Future Land Use Maps within the City of Melrose 2030 Comprehensive Plan
 - d. **CASE NO. COMP-12-2018-513: Comprehensive Plan Amendment:** Existing and Future Land Use Designations at 325 1st Street NE. The Future Land Use Designation of the Parcel is Proposed to Change from Commercial and Public/Semi-Public to Mixed Use (Residential and Commercial). The Existing Land Use Designation of the Parcel is Proposed to Change from Downtown Commercial to Mixed Use (Residential and Commercial)
7. Reports
 - a. Director Atkinson – Report
8. Action Items
 - a. **Zoning Ordinance Amendment:** Section 1100, Non-Conforming Uses and Structures
 - b. **Ordinance Amendment:** Land Subdivision Regulations
 - c. **CASE NO. RZ-12-2018-307 / CASE NO. COMP-12-2018-514: Rezoning and Comprehensive Plan Amendment Rezoning and Comprehensive Plan Amendment** – Amend the Zoning Map Designation and Amending the Current and Future Land Use Maps within the City of Melrose 2030 Comprehensive Plan
 - d. **CASE NO. COMP-12-2018-513: Comprehensive Plan Amendment: Comprehensive Plan Amendment:** Existing and Future Land Use Designations at 325 1st Street NE. The Future Land Use Designation of the Parcel is Proposed to Change from Commercial and Public/Semi-Public to Mixed Use (Residential and Commercial). The Existing Land Use Designation of the Parcel is Proposed to Change from Downtown Commercial to Mixed Use (Residential and Commercial)

9. Unfinished Business
 10. New Business
 11. Informational Items
 - * a. Next Meeting / Amendment to the 2019 Meeting Schedule
 12. Issues by Planning and Zoning Commission Members and/or Staff
 13. Adjournment
- * Amendment

**MELROSE PLANNING AND ZONING COMMISSION
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MONDAY, JANUARY 7, 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 7, 2019 at 6:30 p.m. at the Melrose City Center pursuant to due notice being given thereof. Present were Commission Members Jason Seanger, Mike Klaphake, Adam Paulson, Shawn Mayers, and Dave Berscheit, and Community Planning/Development Director Lisa Atkinson. Commission Members Kevin Thomes and Mark “Bunker” Hill were absent. Also in attendance were Joe Hennen and Travis Thom. Because this was the Commission’s Organizational Meeting for 2019, Director Atkinson called the meeting to order.

The Pledge of Allegiance was recited.

A.I. #2 OATHS OF OFFICE

At its January 3, 2019 meeting, the Council re-appointed Shawn Mayers to the Planning and Zoning Commission for a four-year term. Council Member Mark “Bunker” Hill was appointed as the Council’s representative to the Commission for a one-year term. Planning and Development Director Atkinson administered the Oath of Office to Mr. Mayers.

A.I. #3 ELECTION OF OFFICERS

Director Atkinson solicited nominations from the Commission for the election of Chair and Vice Chair for 2019. She noted that during 2018, Mr. Seanger served as Chair and Mr. Klaphake served as Vice Chair. Although not done prior to 2015 when Mr. Dufner was appointed to the position of Secretary, Director Atkinson again recommended that the Commission consider appointing someone to fill the position of Secretary in order to sign various documents such as plats which occasionally require such signatures. Mr. Mayers served as the Secretary in 2018.

Director Atkinson called for nominations for the 2019 slate of officers.

A motion was made by Mr. Klaphake, seconded by Mr. Berscheit and unanimously carried reappointing Mr. Seanger as Chair.

A motion was then made by Mr. Seanger nominating Mr. Berscheit as Vice Chair and Mr. Mayers as Secretary. There being no further nominations, the motion was seconded by Mr. Paulson with a roll call vote recorded as follows:

FOR: Commission Members Seanger, Paulson, Mayers, Klaphake, and Berscheit

AGAINST: None

ABSENT: Commission Members Thomes and Hill

Mr. Seanger chaired the remainder of the meeting.

A.I. #4 APPROVAL OF AGENDA

A motion was made by Mr. Berscheit, seconded by Mr. Mayers and unanimously carried to approve the agenda as amended.

A.I. #5 APPROVAL OF MINUTES

A motion was made by Mr. Berscheit, seconded by Mr. Mayers and unanimously carried to approve the minutes from the Commission's December 3, 2018 Regular Meeting.

A.I. #6 PUBLIC HEARINGS

- a. Chair Seanger opened the Public Hearing for the Zoning Ordinance Amendment: Section 1100, Non-Conforming Uses and Structures. The Planning and Zoning Commission met at 6:30 p.m. on January 7, 2019, at the City Center, 225 1st Street NE in the City of Melrose, for the purpose of giving consideration to a Zoning Ordinance amendment request proposed by the City of Melrose to amend the text of the City of Melrose Zoning Ordinance No. 1989-1-A, As Amended and Adopted by Reference as Chapter 153 of the City of Melrose Code of Ordinances, by Amending Section 1100, Non-Conforming Uses and Structures. The Public Hearing can be held in January and continued to February.

Director Atkinson included in the attachments the required Affidavit of Publication of the Hearing Notice which was published in the Melrose Beacon on Wednesday, December 26, 2018, the Affidavit of Posting of Notice of Hearing which was posted on December 28, 2018 and the Affidavit of Mailing of the Public Hearing Notices to the Affected Property Owners within 350 feet of the subject property which were mailed on December 27, 2018.

Staff is requesting additional time to obtain further input this evening and further research and prepare the draft ordinance amendment.

A motion was made by Mr. Mayers, seconded by Mr. Klaphake and unanimously carried to **recess** the Public Hearing to reconvene on Monday, February 25, 2019 at 6:30 p.m. at the Melrose City Center.

- b. Chair Seanger then opened the Public Hearing for the Land Subdivision Regulations Ordinance Amendment. The Planning and Zoning Commission met at 6:30 p.m. or as soon thereafter on January 7, 2019, at the City Center, 225 1st Street NE in the City of Melrose, for the purpose of giving consideration to amending, repealing and replacing the existing Land Subdivision Regulations Ordinance.

Director Atkinson included in the attachments the required Affidavit of Publication of the Hearing Notice which was published in the Melrose Beacon on Wednesday, December 26, 2018.

Director Atkinson provided a brief overview of the revisions to the Land Subdivision Regulations Ordinance.

There being no further comments, the Public Hearing was closed at 6:39 p.m.

- c. Chair Seanger then opened the Public Hearing for Case No. RZ-12-2018-307 / Case No. COMP-12-2018-514: Rezoning and Comprehensive Plan Amendment. The Planning and Zoning Commission met at 6:30 p.m. or as soon thereafter on January 7, 2019, at the City Center, 225 1st Street NE, in the City of Melrose for the purpose of giving consideration to a Rezoning and Comprehensive Plan Amendment to amend the Zoning Map Designation and amending the Current and Future Land Use Maps (Figures 2.1 and 2.2) within the City of Melrose 2030 Comprehensive Plan Update.

The parcels affected include the multi-family building at 120 5th Ave NW and the vacant lot immediately to the east. The parcel numbers of the affected parcels are 66.36711.0000 and 66.36711.0002. The legal descriptions are Lots 001 and 002, Block 001, Fifth Avenue Addition, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

The zoning is proposed to change from R-1, Residential to R-3, Multi-Family Residential. It is believed that this was historically R-3 but changed to R-1 at some point, possibly inadvertently. There is similar confusion regarding the Current and Future Land Use designations. The Current Land Use Map shows “multi-family” for both lots, although the vacant lot is depicted as vacant on one version. The Future Land Use Map shows “multi-family” for the existing multi-family building, and “single-family” for the vacant lot, but it was “multi-family” on prior maps. In an effort to be transparent regarding the confusion, the City is initiating a Rezoning and Comprehensive Plan amendment to clearly set forth the designations for the parcels.

Director Atkinson included in the attachments the required Affidavit of Publication of the Hearing Notice which was published in the Melrose Beacon on Wednesday, December 26, 2018, the Affidavit of Posting of Notice of Hearing which was posted on December 28, 2018 and the Affidavit of Mailing of the Public Hearing Notices to the Affected Property Owners within 350 feet of the subject property which were mailed on December 27, 2018.

Director Atkinson provided an overview of the rezoning and Comprehensive Plan amendment for the above property.

Property owner Joe Hennen stated he supports the rezoning as there is already an existing apartment on one of the properties and he considering building a four-plex on the vacant lot.

There being no further comments, the Public Hearing was closed at 6:42 p.m.

- d. Chair Seanger next opened the Public Hearing for CASE NO. COMP-12-2018-513: Comprehensive Plan Amendment. The Melrose Planning and Zoning Commission met at 6:30 p.m. or as soon thereafter on January 7, 2019, at the City Center, 225 1st Street NE, in the City of Melrose, for the purpose of giving consideration to a Comprehensive Plan Amendment request to consider amending the Existing and Future Land Use Maps (Figures 2.1 and 2.2) within the City of Melrose 2030 Comprehensive Plan Update. The Existing and Future Land Use Designations of one parcel is proposed to change from Commercial and Public/Semi-Public (respectively) Downtown to Mixed Use (Residential and Commercial).

The amendment is proposed by the City of Melrose for the former downtown Kraft site located at 325 1st St NE Melrose, MN 56352. The property is described as follows: Lot One (1), Block One (1) of Melrose Riverview Addition, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder. The Future Land Use designation of the parcel is proposed to change from Public/Semi Public to Mixed Use (Residential and Commercial). The Existing Land Use designation of the parcel is proposed to change from Downtown Commercial to Mixed Use (Residential and Commercial).

Director Atkinson included in the attachments the required Affidavit of Publication of the Hearing Notice which was published in the Melrose Beacon on Wednesday, December 26, 2018, the Affidavit of Posting of Notice of Hearing which was posted on December 28, 2018, and the Affidavit of Mailing of the Public Hearing Notices to the Affected Property Owners within 350 feet of the subject property which were mailed on December 27, 2018.

Director Atkinson provided a summary of the Comprehensive Plan Amendment.

There being no further comments, the Public Hearing was closed at 6:45 p.m.

A.I. #7 REPORTS

- a. Director Atkinson presented her report on the 2018 planning and zoning activities and projects that are forthcoming.

A.I. #8 ACTION ITEMS

- a. The Commission next reviewed the current non-conforming use ordinance along with a memo from the League of Minnesota Cities regarding ordinance changes that need to occur so that we are consistent with State Statutes. Staff also provided copies of ordinances from Alexandria, Albany and Sartell for review to see if there are specific provisions that the Commission may want incorporated. There is quite a bit of flexibility if the Commission wants to be lenient in allowing reconstruction or expansion on non-conforming uses, or they can strictly follow state minimum requirements.

The Commission reviewed the non-conforming use ordinance and provided direction to staff. Staff will research and prepare a draft ordinance for the next regular meeting.

- b. Chair Seanger stated that students Abigail Rader and Kyle Westra from College of St. Benedict/St. John's University have been updating the Subdivision Ordinance as a Political Science class project. Primarily, this ordinance brings together the 1989 approved Subdivision Ordinance, the 2008 amendments and the 2016 amendments so that they are in one combined document. There were also some minor changes and readjustments to the order of the document. The Commission reviewed the revisions the Land Subdivision Regulations Ordinance.

Ms. Atkinson noted that Section 2, subd 7, section c may be amended to make it somewhat less adversarial.

The Commission recommended changes to Section 4, sub 7, section c to read: By recommendation of the Planning and Zoning Commission, the Council may waive the requirements of this section for commercial or industrial subdivisions or resubdivisions when it is found, and such waiver is in the best interest for the City of Melrose.

The Commission made comments for clarification.

A motion was made by Mr. Berscheit, seconded by Mr. Klaphake and unanimously carried recommending the Council adopt the revisions to the Land Subdivision Ordinance upon clarification as requested along with amendments to the fire hydrant section, the registered land subdivision section, and the conveyance by metes and bounds section.

- c. Following its review of the Planning Report, the related information and documents associated with the application along with public input received at the public hearing or in writing, the Commission gave consideration to making a recommendation to the Council on the request initiated by the City of Melrose to a Rezoning and Comprehensive Plan Amendment to amend the Zoning Map Designation and amending the Current and Future Land Use Maps (Figures 2.1 and 2.2) within the City of Melrose 2030 Comprehensive Plan Update.

A motion was made by Mr. Klaphake, seconded by Mr. Mayers and unanimously carried approving the staff report and Finding of Facts as written.

A motion was made by Mr. Paulson, seconded by Mr. Berscheit and unanimously carried recommending the Council approve the Comprehensive Plan Amendment to modify the Existing and Future Land Use Maps to be "Multi-Family" for both parcels and recommending the Council to approve the City initiated rezoning of the both lots from R-1, Residential to R-3, Multi-Family. In evaluating this rezoning application, the Commission should adopt findings of fact and recommend Council adoption of the Ordinance.

- d. Following its review of the Planning Report, the related information and documents associated with the application from the City of Melrose regarding Lot 1, Block 1 of Melrose Riverview Addition, according to the plat and survey thereof, (Parcel number 66.37011.0200) the former downtown Kraft site located at 325 1st St NE Melrose, MN 56352, the Commission will give consideration to making recommendation to the Council to amend the Existing and Future Land Use Maps (Figures 2.1 and 2.2) within the City of Melrose 2030 Comprehensive Plan Update. The Existing and Future Land Use Designations of one parcel is proposed to change from Commercial and Public/Semi Public (respectively) Downtown to Mixed Use (Residential and Commercial).

A motion was made by Mr. Klaphake, seconded by Mr. Berscheit and unanimously carried approving the Planning Report and Finding of Facts as written.

A motion was then made by Mr. Mayers, seconded by Mr. Klaphake and unanimously carried recommending the Council approve the Comprehensive Plan Amendment to modify (1) the Current Land Use Map from Downtown Commercial to Mixed Use and (2) the Future Land Use Map from Public/Semi Public to Mixed Use for the associated parcel.

A.I. #9 UNFINISHED BUSINESS

None

A.I. #10 NEW BUSINESS

None

A.I. #11 INFORMATIONAL ITEMS

- a. Due to a scheduling conflict, the Commission discussed revising the 2019 Planning and Zoning Commission meeting schedule. After further discussion, a motion was made by Mr. Mayers, seconded by Mr. Paulson and unanimously carried to reschedule the Planning and Zoning Commission meetings to the last Monday of the month, with the exception of the month of May which, due to the holiday, will be the last Tuesday of the month. The Commission's next meeting will be on Monday, January 28, 2019 at 6:30 p.m.

A.I. #12 ISSUES BY PLANNING AND ZONING COMMISSION MEMBERS

None

A.I. #13 ADJOURNMENT

A motion was made by Mr. Berscheit, seconded by Mr. Klaphake and unanimously carried that the meeting be adjourned at 7:30 p.m.

PATRICIA HAASE – CITY CLERK