

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, JUNE 18, 2019 – 6:30 P.M.**

AGENDA

1. Call to Order/Roll Call/Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes
4. Public Hearing
 - a. Hearing to Appeal Compliance Order Pursuant to Melrose City Code Section 151.25
5. Reports
 - a. Director Atkinson – Report
6. Action Items
 - a. Compliance Order for Property Located at 410 2nd Street SW
 - b. Shaggy's Towing (Zoning)
7. Unfinished Business
 - a. Zoning Ordinance Amending All Relevant Ordinances to Allow Outdoor Seating in the Right-of-Way When Specific Criteria are Met
8. New Business
 - a. Comprehensive Plan Update
9. Informational Items
 - a. Next Meeting
10. Issues by Planning and Zoning Commission Members and/or Staff
11. Adjournment

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, JUNE 18, 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 Tuesday, June 18, 2019 at 6:30 p.m. at the Melrose City Center pursuant to due notice being given thereof. Present were Commission Members Jason Seanger, Shawn Mayers, Kevin Thomes, Mike Klaphake, Dave Berscheit, Mark Hill, City Administrator Colleen Winter, and Community Development Director Lisa Atkinson. Commission Member Adam Paulson was absent. Also in attendance were Police Sergeant Pat Nechanicky, Building Official Mark Harren, Paul Hughes, and Planning & Zoning Intern Jacob Schmitt. Chair Seanger called the meeting to order.

The Pledge of Allegiance was recited.

A.I. #2 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. #3 APPROVAL OF MINUTES

A motion was made by Mr. Mayers, seconded by Mr. Berscheit and unanimously carried to approve the minutes from the Commission's April 29 Regular Meeting.

A.I. #4 PUBLIC HEARING

- a. The Planning and Zoning Commission, acting as the Board of Appeals, met at 6:30 p.m. on June 18, 2019, at the City Center, 225 1st Street NE, in the City of Melrose for the purpose of giving consideration to determine if conditions identified on the property located at 410 2nd Street SW are out of compliance with Melrose City Code Chapter 151.

Ms. Atkinson noted that the required Notice of Public Hearing, the Affidavit of Posting and the Affidavit of Mailing were included in the exhibits.

Ms. Atkinson provided an overview of the noncompliance process and that several of the noncompliance issues have not been addressed.

Mr. Schmitt summarized the areas that were out of compliance and what is required to bring the property into compliance.

Mr. Hill stated that after reviewing the information, he believes Mr. Hughes was given ample time to bring the property into compliance.

Mr. Seanger asked Building Official Harren, since the home was built prior to 1989, if the smoke detectors were hard-wired, does code not require that the smoke detectors be replaced with the same power source. Mr. Harren noted that if the smoke detectors originally installed were hard-wired, then they must be replaced with hard-wire smoke detectors.

Mr. Hughes noted that he hired a local contractor to replace the windows. The bathroom storm window was missed in the replacement. Mr. Hughes noted that the stove fan has been repaired. Mr. Hughes stated that the bathroom surround is constructed of 12 x 12 ceramic tiles. He stated that if water was leaking behind the tiles, the tiles would be coming loose; therefore, Mr. Hughes reapplied silicon. The tub is a cast iron tub. He stated that the reason that water is running out is due to the tenant not closing the shower curtain properly. Mr. Hughes replaced smoke detectors with battery smoke detectors and was unaware of the hard-wired code requirement.

Police Sergeant Nechanicky stated that during the second inspection, some of the compliance issues had been addressed; however, the smoke detectors were not operational or not present and the carbon monoxide detector was covered with a sock. He also said that the tenants stated that water was still coming in the basement window and kitchen window.

Mr. Thomes stated that the property must be in compliance when the inspection is conducted.

Building Official Harren stated that water is coming into the basement coming from the above bathroom. Its obvious that the surround and the tub had been caulked, as well as the faucet; however, there still appears to be leaking from someplace in the bathroom. Mr. Harren stated he noticed that the bathroom floor was not spongy, which would indicate that the floor was rotted.

There being no further comments, the Public Hearing was closed at 7:00 p.m.

A.I. #5 REPORTS

- a. Community Development Director provided an update on the projects staff has been working on.

A.I. #6 ACTION ITEMS

- a. The Planning and Zoning Commission, acting as the Board of Appeals, considered the Compliance Order issued on the property owner of 410 2nd Street SW. The property in question failed its rental inspection on January 31, 2019 and was sent a Compliance Order for various Housing Code violations to be addressed. After several extensions, the re-inspection failed on May 17, 2019 as several Housing Code violations were not addressed. A subsequent Compliance Order was sent to Mr. Hughes on May 28, 2019. Mr. Hughes appealed the Compliance Order through a letter the City received on June 5, 2019. Following its review of the Planning Report, the related information and documents associated with the application, and the public input presented, the Commission is tasked to determine whether to issue an order affirming the inspection and directing compliance, reversing the compliance order or modifying it.

A motion was made by Mr. Thomes, seconded by Mr. Berscheit and unanimously carried affirming the inspection and directing compliance.

- b. Community Development Director Atkinson noted that Shaggy's Towing has expressed interest in adding four-wheeler sales to their business. They contacted staff to determine if this is an allowed use. After consulting with the zoning map, it was determined that the property is zoned I, Industrial.

None of the existing uses are really permitted in I, Industrial. Staff has an internal email from the City Administrator to the City Attorney from 2016 discussing whether C-2 or I-2 are most appropriate for the proposed uses associated with Shaggy's Towing. It was determined that I-1 was most appropriate; however, for whatever reason, that rezoning did not ever occur, as near as we can tell. The land was replatted in 2017 and there is reference to it being an industrial use, but no distinguishing between or discussion regarding light or heavy industrial occurred at that time, or at least not in the staff report.

The land is guided for Industrial, both for the Current and Future Land Uses. It would be a simple rezoning to rezone the land to I-2, Light Industrial. It is up to the Commission to determine if they would like to recommend that it be City-initiated (saving the property owner \$300) or if it should be a property owner expense. Due to the discrepancies of what should have happened previously, it makes it worth considering whether the City should initiate the request. City-initiated rezoning requests can be initiated by the recommendation of the Commission or the decision of the Council.

A motion was made by Mr. Mayers to have the City initiate the rezoning of Shaggy's Towing, changing it from I, Industrial to I-2, Light Industrial. The motion was seconded by Mr. Berscheit with roll call vote recorded as follows:

FOR: Commission Members Mayers, Berscheit, Thomes, Klaphake, Seanger

AGAINST: None

ABSENT: Commission Member Paulson

ABSTAIN: Commission Member Hill due to potential conflict of interest

A.I. #7 UNFINISHED BUSINESS

- a. The Commission held a public hearing on February 25, 2019 to consider adding an outdoor seating ordinance to the City's code that would allow an annual permit to be issued administratively to allow seating on sidewalks and public rights-of-way or easements, primarily in the downtown area. A minimum of four feet in clear walkable sidewalk must be maintained. Other criteria are outlined in the ordinance. Included in the other criteria is language allowing the City to prohibit outdoor seating on public sidewalks during public events, especially if it might pose a safety hazard due to increased pedestrian traffic, which was recommended by the Commission. After the Commission meeting, staff added some language, reviewed by the City Attorney, allowing immediate resolution of any significant safety concerns, regardless of whether there is a breach in any agreement or conditions. The ordinance also outlines the process of allowing the concerns to be rectified and the permit to be re-utilized following correction of the immediate safety concerns. The Commission recommends approval of the ordinance, which has been reviewed by City staff and the City Attorney.

The Council, at its May 16 meeting, recommended the ordinance be shortened and simplified for ease of use and reference by businesses. They also wanted no fee associated with the process. After revising the document and consulting the City Attorney, it was recommended that a permit still be required, with no cost. Every effort was made to make the ordinance as short as possible while still protecting the City from liability regarding any possible personal injury or property damage resulting from objects being placed or used in the right-of-way.

Staff and the City Attorney recommend approval of the revised draft ordinance.

A motion was made by Mr. Thomes, seconded by Mr. Klaphake and unanimously carried recommending the Council adopt the outdoor seating ordinance as revised.

A.I. # 8 NEW BUSINESS

- a. Intern Jacob Schmitt stated that he has been working on updating the existing 2030 Melrose Comprehensive Plan in preparation for the 2040 Comprehensive Plan. The first few chapters have been updated on the document but quite a few chapters still need to be addressed. Overall, the document is in the early stages of being updated. Staff is hoping to do a significant portion of the updating in-house to save costs; however, at the minimum, the community input/survey portion will likely need to be completed by a consultant.

Below are two main questions to be addressed, including staff comments regarding the topics. Then there is an overview of the revisions underway on the document, including restructuring parts of the Plan. Finally, Chapter 2 is included in draft form, which includes an overview of the Visions, Goals and Strategies. Comments from review of this chapter will be helpful in setting the tone for updating the overall document.

The two questions for your consideration:

Question 1: What Level of Community Input is Desired?

- a. **Online Survey**
- b. **Paper Survey**
- c. **Open Forum(s)**

The direction for community input needs to be determined by the Commission and Council. In the past, it seems several open-house and listening sessions were held to gather public input. A citizen survey was also utilized in the past. Another option available is a "Survey Monkey" type of on-line survey with paper copies. There are limitations to having more than one survey type in that sometimes people may submit more than one survey, especially if it is anonymous. The City could send notice of the survey or an actual paper copy of the survey in a future utility bill, but electronic payment (automatic withdrawal) bills may not be opened on time to respond to the survey if at all, so using multiple methods of informing the public would need to be used. (Facebook, newspaper, etc.)

Mr. Seanger stated he believes an open forum would be beneficial as not everyone has access to on-line surveys.

Mr. Schmitt thought the youth would be better reached through an on-line survey.

A motion was made by Mr. Berscheid, seconded by Mr. Thomes and unanimously carried recommending conducting one open forum and both a paper and on-line surveys.

Question 2: Does the City want to form a Comprehensive Plan Committee to review the draft versions and provide input?

Ms. Atkinson noted that the last Comprehensive Planning Committee consisted of the Planning and Zoning Commission, the Council, seven at-large community members, and four staff members.

A motion was made by Mr. Mayers, seconded by Mr. Thomes and unanimously carried recommending that a smaller Comprehensive Plan Committee be established.

Community Development Director Atkinson stated that in the draft update document, several chapters have been updated and the document layout has been modified slightly with some components and chapters in different spots. A work in progress draft of the document may be viewed at any time upon request to staff.

Chapter 1, the Introduction has a history of Melrose and gives an overview of the process for the Comprehensive Plan amendment as well as an overview of planning progress since the last amendment.

Chapter 2, provided in the Planning and Zoning Commission meeting materials, provides the Visions, Goals and Strategies. This seems like a logical first step for review as it is fairly comprehensive in nature and provides a broad overview of some of the principles that guide the City. It is an early draft, and will change over time, but through discussion of this section, we can learn some of the priorities of the Commission and Council and make sure to incorporate those changes throughout the remainder of the document and revision process.

Chapter 3 is the community profile section. This includes lots of data and numbers that have been updated since the last Comprehensive Plan. It includes population, housing, education, commuting, and household income data.

Chapter 4 is the Land Use section, which can be reviewed at a future meeting. This has been restructured to have numbered goals, each with a number of strategies to aid in implementation and provide easy reference when reviewing planning applications and projects.

Ms. Atkinson asked if the Commission has any recommended changes to contact staff.

A.I. #9 INFORMATIONAL ITEMS

- a. The Commission's next meeting is scheduled for Monday, July 29, 2019 at 6:30 p.m.

A.I. #10 ISSUES BY PLANNING AND ZONING COMMISSION MEMBERS

Mr. Thomes stated that he no longer lives in the City of Melrose and inquired as to if it a requirement to be seated on the Planning and Zoning Commission. Ms. Atkinson to investigate this.

A.I. #11 ADJOURNMENT

A motion was made by Mr. Mayers, seconded by Mr. Klaphake and unanimously carried that the meeting be adjourned at 7:50 p.m.

PATRICIA HAASE – CITY CLERK