

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, MAY 11, 2020 – 6:30 P.M.**

To access the meeting please call the phone number and enter the access code below at the meeting start time.

Phone number: 1-872-240-3212

Access code: 761-113-733

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<https://global.gotomeeting.com/join/761113733>.

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. VAR-4-2020-102, Variance - Rahn's Oil and Propane
 - b. Zoning Ordinance Amendment Amending Section 503.02, Vehicle and Exterior Storage Requirements – Major Recreational Equipment Storage
6. Reports
 - a. Community Development Director Report
7. Action Items
 - a. VAR-4-2020-102 Rahn's Oil and Propane
 - b. Proposed Amendment to Section 500, Parking, Loading and Storage Regulations, of Zoning Ordinance No. 1989-1-A as Amended, Adopted by Reference as Chapter 153 of the Melrose City Code.
8. Unfinished Business
9. New Business
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, MAY 11, 2020– 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, May 11, 2020 at 6:30 p.m. via Global GoToMeeting, pursuant to due notice being given thereof. Present were Commission Members Jason Seanger, Shawn Mayers, Dave Berscheit, Mark “Bunker” Hill, Jean McDonald, and Community Planning/ Development Director Lisa Atkinson. Commission Members Adam Paulson, and Mike Klaphake, were absent. Also, in attendance was Mr. Dave Rahn. Chair Seanger called the meeting to order.

The Pledge of Allegiance was recited.

A.I. #2 OATH OF OFFICE

At its April 16, 2020 Council meeting, the Council appointed Jean McDonald to the Planning and Zoning Commission for a four-year term. Community Development Director Atkinson administered the Oath of Office to Ms. McDonald.

A.I. #3 APPROVAL OF AGENDA

A motion was made by Mr. Mayers to approve the agenda as submitted. The motion was seconded by Mr. Hill with a roll call vote recorded as follows:

FOR: Commission Member Mayers, Hill, Berscheit, McDonald, and Seanger
AGAINST: None
ABSENT: Commission Member Paulson and Klaphake

A.I. #4 APPROVAL OF MINUTES

A motion was made by Ms. McDonald to approve the minutes from the Commission’s April 13, 2020 Regular Meeting. The motion was seconded by Mr. Mayers with a roll call vote recorded as follows:

FOR: Commission Member McDonald, Mayers, Hill, Berscheit, and Seanger
AGAINST: None
ABSENT: Commission Member Paulson and Klaphake

A.I. #5 PUBLIC HEARING

- a. **VAR-4-2020-102** - Variance Rahn’s Oil and Propane. The Melrose Planning and Zoning Commission held a Public Hearing via Global/GoToMeeting on Monday, May 11, 2020 at 6:30 p.m. to consider a request for two variances for the project and property described as Lots 3 and 4, Block 1 East Acres with the address 1220 East Main St. parcel numbers 66.36700.0010 and 66.36700.0015, where Rahn’s Oil and Propane is currently located, where a new building addition is proposed to extend as close as 10 feet +/- to the rear/south property line abutting the trail. The

applicants also propose to additionally exceed the 70 percent maximum impervious surface coverage limit.

Director Atkinson presented the Affidavit of Publication of the Public Hearing Notice, which was published in the Melrose Beacon on Wednesday, April 29, 2020, along with the Affidavit of Posting of Notice of Hearing and the Affidavit of Mailing of the Public Hearing Notices to the Affected Property Owners.

Community Development Director Atkinson provided an overview of the requested variances.

Chair Seanger asked for any further comment, there being none the Public Hearing was closed at 6:43 p.m.

- b. The Melrose Planning and Zoning Commission next held a Public Hearing on Monday, May 11, 2020 at 6:30 p.m., or as shortly thereafter as the matter may be heard via Global GoToMeeting for the purpose of giving consideration to a Zoning Ordinance amendment amending Section 503.02, Vehicle and Exterior Storage Requirements – Major Recreational Equipment Storage, to consider changing the requirements related to parking/storage of Major Recreational Equipment, including RVs.

Director Atkinson presented the Affidavit of Publication of the Public Hearing Notice, which was published in the Melrose Beacon on Wednesday, April 29, 2020

Community Development Director Atkinson provided an overview of the proposed Ordinance Amendment.

Commission Member Hill asked if the Ordinance should be more specific on the classification of crushed granite. Commission Member Mayers provided an overview of some of the different types of crushed granite and its uses. Chair Seanger stated that this could be discussed in further detail later on in the meeting.

Chair Seanger asked for any further comment, there being none the Public Hearing was closed at 6:48 p.m.

A.I. #6 REPORTS

- a. Community Development Director Atkinson stated that there have been a number of building permit requests. Ms. Atkinson provided an update on the Emergency Revolving Loan Fund Program offered by the City of Melrose.

A.I. #7 ACTION ITEMS

- a. **VAR-4-2020-102 Rahn's Oil and Propane (2 Variances).**

Following its review of the Planning Report, the related information and documents associated with this Report and the Variance Application 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 request for two variances for the project and property described as Lots 3 and 4, Block 1 East Acres with the

address 1220 East Main St. parcel numbers 66.36700.0010 and 66.36700.0015, where Rahn's Oil and Propane is currently located, where a new building addition is proposed to extend as close as 10 foot +/- to the rear/south property line abutting the trail. The applicants also propose to exceed the 70 percent maximum non-impervious surface coverage limit.

The Commission reviewed the staff report.

A motion was made by Mr. Hill approving the staff report as written. The motion was seconded by Mr. Mayers with a roll call vote recorded as follows:

FOR: Commission Members Hill, Mayers, Berschiet, McDonald, Seanger

AGAINST: None

ABSENT: Commission Members Klaphake, and Paulson

The Commission reviewed the test for practical difficulties for Variance 1

Variance 1 Consideration: 10' Rear Setback (instead of 25')

Consideration of a variance requires the Planning Commission to consider a three-factor test for practical difficulties:

Variance 1 First Factor: Reasonableness. The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

• **Applicant's response:** We want to construct a building to store trucks used for the business on site, which is a reasonable use of the property. We can't fit our trucks into the building unless it is built 10 feet from the south property line due to the existing tank location and the long/large nature of the fuel trucks. While it doesn't meet current codes, it is a reasonable use of the property.

• **Staff note:** This is an existing business on two existing platted lots. The applicant is proposing to grow on their existing property, adding truck parking in a garage structure, which reasonably is consistent with the existing use. While a variance of this type is not typically ideal, in this case it may be reasonable:

1. The applicants want to store company vehicles that are already parked on site out of the elements
2. The applicants have two lots and would like to be able to utilize them fully.
3. The site layout is limited by a fuel station in the middle of the lot north of the proposed building.
4. The large trucks would have difficulty getting into the garage if the structure extended too close to the fuel area, thus requiring the variance.
5. The nearest neighbor, the State Rail Bank who manages the Lake Wobegon Trail and is the impacted abutting property has no

- concern with the 10 foot setback.
6. The Comprehensive Plan encourages fully utilizing existing sites before expanding to new vacant sites.
 7. The Comprehensive Plan encourages working with existing businesses to accommodate their needs as they grow so they remain within the community, specifically to, “continue to understand existing business and industry needs and create ways to support and retain those existing businesses
 8. The City is aware of no complaints regarding this business and it has a long-standing history of successful operation in the community.
- For these reasons, it seems reasonable to allow a 10-foot setback.**

Variance 1 Second Factor: Unique Circumstances. The second factor is that the landowner’s problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

•**Applicant’s response:** The fuel area makes it difficult to find a spot for the truck garage. The prior owner, Gary Toenyan, installed a propane tank near the middle of the property. This tank makes it so there is not enough room to add the building between the tank and the property line without encroaching into the setbacks. Also, having the building too close to the tanks means the trucks wouldn’t be able to safely and easily get into and out of the building.

•**Staff Comments:** The existing fuel filling area in the middle of the parking area north of the proposed building makes it difficult to add a truck garage area to the lot. While a variance of this type is not typically ideal, in this case it may be reasonable:

1. The prior owners selected the location of the fuel area, not anticipating the need for additional garage space at that time, otherwise they would likely have chosen a better location for the fueling area.
2. This is an already developed lot that has a growing business that desires to remain in the community, but needs help fitting a new vehicle storage building on the site.
3. The lot is somewhat unique in that it is a large lot abutting a recreational trail. The greatest impacted neighbor is the trail, and the impacts should be similar for the trail whether the trucks are parked outside on the lot in a shed.
4. The impact to the property and neighborhood should be minimal as hypothetically it would allow for the vehicles parked outdoors on the site to be parked indoors.

•**For these reasons, it seems appropriate to allow a 10 foot setback.**

Variance 1 Third Factor: Neighborhood Character. The third factor is that a variance would not alter the essential character of the neighborhood. This

factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

•**Applicant's response:** The use is similar to the existing use and should have similar impacts to the neighbors as the current outdoor vehicle parking.

•**Staff Comments:**

1. This is an already developed lot that has a growing business that desires to remain in the community, but needs help fitting a new vehicle storage building on the site.
2. The lot is somewhat unique in that it is a large lot abutting a recreational trail. The greatest impacted neighbor is the trail, and the impacts should be similar for the trail whether it is trucks parking in the area or trucks in a shed.
3. The impact to the property and neighborhood should be minimal as hypothetically it would allow for the vehicles parked outdoors on the site to be parked indoors.

•**For these reasons, it seems appropriate to allow a 10 foot setback.**

A motion was made by Mr. Mayers recommending the City Council approve Variance 1 allowing the 10-foot setback. The motion was seconded by Mr. Berscheit with a roll call vote recorded as follows:

FOR: Commission Members Mayers, Berscheit, McDonald, Hill, and Seanger

AGAINST: None

ABSENT: Commission Members Paulson and Klaphake

The Commission next reviewed the three-factor test for practical difficulties for Variance 2

Variance 2 First Factor: Reasonableness. The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

- **Applicant's response:** Most of the area where the building is proposed is already a driving area. It is reasonable to want to construct a building to store trucks used for the business on site. While it doesn't meet current codes, it is a reasonable use of the property.
- **Staff note:** While a variance of this type is not typically ideal, in this case it seems reasonable in this case because:
 1. This is an existing business on two existing platted lots.
 2. The applicants want to store company vehicles out of the elements, which is a reasonable use of the property
 3. Indoor parking for their fuel trucks that would be stored on site regardless seems reasonable.
 4. The area of the proposed building is mostly already a parking

and driving area.

5. An approximately 736 sq. ft. area is proposed to transition from impervious to non-impervious (building). This accounts for an approximate 0.34 percent increase in non-impervious surface, which is fairly minor.
6. The applicants have two lots and would like to be able to utilize them fully.
7. The State Rail Bank who manages the Lake Woebegon Trail and is the impacted abutting property mentioned no issue with the lot coverage Variance in their public hearing response.
8. The Comprehensive Plan encourages fully utilizing existing sites before expanding to new vacant sites.
9. The Comprehensive Plan encourages working with existing businesses to accommodate their needs as they grow so they remain within the community.

- **For these reasons, it seems reasonable to allow the proposed slight coverage increase.**

Variance 2 Second Factor: Unique Circumstances. The second factor is that the landowner's problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

- **Applicant's response:** The prior owner, Gary Toenyan, installed a propane tank near the middle of the property. The location of the fuel area makes it difficult to find a spot for the truck garage near the office building. This fuel area also makes it so there is not enough room to add the building between the fuel area and the property line without extending into the grass area along the south side of the property.
- **Staff Comments:** The existing fuel filling area in the middle of the parking area north of the proposed building makes it difficult to add a truck garage area to the lot. While a variance of this type is not typically ideal, in this case it may be reasonable:
 1. The prior owners selected the location of the fuel area, not anticipating the need for additional garage space at that time, otherwise they would likely have chosen a better location for the fueling area.
 2. This is an already developed lot that has a growing business that desires to remain in the community, but needs help fitting a new vehicle storage building on the site.
 3. The lot is somewhat unique in that it is a large lot abutting a recreational trail. The greatest impacted neighbor is the trail, and the impacts should be similar for the trail whether the trucks are parked outside on the lot in a shed.
 4. The decrease in grass is minimal (.34%) and the benefit to the property owner is great.
- **For these reasons, it seems appropriate to allow a .34% decrease in the grass area (impervious surface).**

Variance 2 Third Factor: Neighborhood Character. The third factor is that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

- **Applicant's response:** The use is similar to the existing use and should have similar impacts to the neighbors as the current outdoor vehicle parking.
- **Staff Comments:**
 1. This is an already developed lot that has a growing business that desires to remain in the community, but needs help fitting a new vehicle storage building on the site.
 2. The lot is somewhat unique in that it is a large lot abutting a recreational trail. The greatest impacted neighbor is the trail, and the impacts should be similar for the trail whether it is trucks parking in the area or trucks in a shed.
 3. The impact to the property and neighborhood should be minimal as hypothetically it would allow for the vehicles parked outdoors on the site to be parked indoors.
 4. The decrease in grass area is minimal (.34%) and will not be easily noticeable.
- **For these reasons, it seems appropriate to allow a .34% decrease in the grass area (impervious surface).**

A motion was made by Mr. Mayers to approve Variance 2 practical difficulty factors as presented with a minor changes to factor 2 changing the increase in non-impervious area from .5 to .34 and recommending the City Council to grant Variance 2 to allow a .34 decrease in the grass area. The motion was seconded by Ms. McDonald with a roll call vote recorded as follows:

FOR: Commission Member Mayers, McDonald, Berscheit, Hill, and Seanger

AGAINST: None

ABSENT: Commission Member Paulson and Klaphake

- b. The Commission next reviewed the draft ordinance amendment to Section 503.02, Vehicle and Exterior Storage Requirements – Major Recreational Equipment Storage, to consider changing the requirements related to parking/storage of Major Recreational Equipment, including RVs.

Chair Seanger stated that he did not think classification of crushed granite was necessary.

After further discussion a motion was made by Mr. Hill approving the ordinance as written and recommending adoption by the City Council. The motion was seconded by Ms. McDonald with a roll call vote recorded as follows:

FOR: Commission Member Hill, McDonald, Berscheit, Hill, and Seanger

AGAINST: None
ABSENT: Commission Member Paulson, and Klaphake

A.I. #8 UNFINISHED BUSINESS

None

A.I. #9 NEW BUSINESS

None

A.I. #10 INFORMATIONAL ITEMS

- a. The Commission's by consensus elected to cancel the Tuesday, May 26 Regular meeting. The next regular meeting will be held on Monday, June 29, 2020.

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

None

A.I. #12 ADJOURNMENT

A motion was made by Mr. Mayers that the meeting be adjourned at 7:22 p.m. The motion was seconded by Mr. Berscheit with a roll call vote recorded as follows:

FOR: Commission Member Mayers, Berscheit, Hill, McDonald, and Seanger
AGAINST: None
ABSENT: Commission Member Paulson and Klaphake

PATRICIA HAASE – CITY CLERK