

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, SEPTEMBER 30, 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. **CASE NO. PP-9-2019-205 and FP-9-2019-206** Preliminary/Final Plat of Jeni Acres (Michael and Jennifer McCann)
5. Reports
 - a. Director Atkinson – Report
 - b. Building Permit Update
6. Action Items
 - a. **CASE NO. PP-9-2019-205 and FP-9-2019-206** Preliminary/Final Plat of Jeni Acres (Michael and Jennifer McCann)
7. Unfinished Business
8. New Business
 - a. 4 to 8-plex Development
 - b. Notice of Appointments
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
MONDAY, SEPTEMBER 30, 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, September 30, 2019 at 6:40 p.m. at the Melrose City Center pursuant to due notice being given thereof. Present were Commission Members Shawn Mayers, Adam Paulson, Mike Klaphake, Dave Berscheit, Mark Hill, City Administrator Colleen Winter, and Community Development Director Lisa Atkinson. Commission Members Jason Seanger and Kevin Thomes were absent. Also in attendance were Michael and Jennifer McMann, Joe Hennen and Travis Thom. Vice Chair Berscheit called the meeting to order.

The Pledge of Allegiance was recited.

A.I. #2 APPROVAL OF AGENDA

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

A.I. #3 APPROVAL OF MINUTES

A motion was made by Mr. Klaphake, seconded by Mr. Mayers and unanimously carried to approve the minutes from the Commission's June 18 Regular Meeting.

A.I. #4 PUBLIC HEARING

- a. **CASE NO. PP-9-2019-205 and FP-9-2019-206** The Melrose Planning and Zoning Commission held a Public Hearing for the purpose of giving consideration to approval of the Preliminary/Final Plat of Jeni Acres (Michael and Jennifer McCann) to divide a lot into two parcels for residential development.

Community Development Director Atkinson stated that the Notice of Public Hearing, the Affidavit of Posting and the Affidavit of Mailing are included in the Exhibits.

Development Director Atkinson provided an overview of the Preliminary Plat of the proposed plat.

Commission Member Mayers inquired to the water connection. Ms. Atkinson stated that the water main connection is there, it just needs to be stubbed in.

There being no further comments, the Public Hearing was closed at 6:47 p.m.

A.I. #5 REPORTS

- a. Community Development Director provided an update on the projects staff has been working on.
- b. Community Development Director presented the Third Quarter Building Permit Report.

A.I. #6 ACTION ITEMS

- a. **CASE NO. PP-9-2019-205 and FP-9-2019-206.** 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 Jeni Acres (Michael and Jennifer McCann).

Michael and Jennifer McCann, 615 1st Ave SW, are proposing a Preliminary and Final Plat to split their 5.76+/- acre homestead into two lots, each of which is under five acres in size. The applicants purchased a single 5.76 +/- acre parcel with an existing house and outbuildings. They would like to split off the western portion of the land which would allow a single-family home to be constructed on that lot. Because both of the resulting lots are under five acres and have never been platted previously, a Preliminary and Final Plat is required instead of a simple lot split.

The Commission reviewed the Finding of Facts:

1. The applicants have requested Preliminary and Final Plat approval.
2. The property is served by City utilities.
3. The proposed development will meet or exceed regulations in Zoning Ordinance No. 1989-1-A as amended after complying with the recommended conditions.
4. A public hearing before the Planning and Zoning Commission on the plat is scheduled to begin at 6:30 p.m. or as soon thereafter as the matter may be heard at its meeting on September 30, 2019 at the Melrose City Center.
5. On September 18, 2019, the notice of the public hearing to be held on September 30, 2019 before the Planning and Zoning Commission was published in the Melrose Beacon.
6. On September 10, 2019, the notice of the public hearing to be held on September 30, 2019 before the Planning and Zoning Commission was posted on the bulletin boards of the City of Melrose, United States Post Office – Melrose, and Great River Regional Library – Melrose Branch.
7. Neither State nor local ordinances or regulations require mailing public hearing notices for preliminary or final plats. No public hearing notices were mailed.
8. The City of Melrose 2030 Comprehensive Plan adopted in 2011:
 - a. Encourages a balanced strategy of “infilling” within the City rather than focusing solely on annexing and developing new areas.
 - b. Promotes the rehabilitation and redevelopment of under-utilized sites and the development of vacant land.
 - c. Indicates the existing use as Single Family Residential.
 - d. Indicates the future use as Single Family Residential.

Staff recommends approval of the Preliminary Plat and Final Plat application subject to the following conditions:

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. All requirements and comments noted in the City Codes, in this staff report and/or in related previous City approvals shall be complied with, even if they are not noted in the conditions specifically.
3. The Preliminary and Final Plat and related Plans shall be amended as follows:
 - a. The current Preliminary Plat shows one lot to be platted and a remnant parcel labeled as “not platted” where the existing house is located. The remnant parcel needs to be at least five acres in size and 300 feet in width to remain unplatted. The plat shall be revised to include both lots.
 - b. When adding the “not platted” part of the lot to the plat, a few modifications need to be made:
 - (1) Two existing buildings are shown on the “not platted” lot. When included in the plat, any other existing buildings should also be shown.
 - (2) The vicinity map needs to be updated as does the legal description of the plat prior to subdividing.
 - (3) The “proposed legal description” needs to be amended.
 - (4) The existing conditions for the tract and land use in the area within 100 feet of the boundaries of the tract needs to be extended 100 feet east of the existing lot that is currently labeled as “not platted.”
 - c. The proposed new house on Lot 1, Block 1 should be shown on the Preliminary Plat if the location is known.
 - d. Updated title work needs to be provided. If there are any lien holders, this information is supposed to be provided as well.
 - e. Street widths need to be provided. Any street right-of-way needs to be officially dedicated as part of this plat, even if it was reserved as right-of-way previously.
 - f. Drainage and utility easements are being requested as 10 feet front and rear lot lines, and five feet (10 feet combined) along any interior lot lines.
 - (1) The proposed 7.5 foot front easement should be 10 feet.
 - (2) A 15-foot easement is proposed along I-94. It makes sense to have a 15-foot easement in this location due to the limited access for utilities abutting the easement. The existing easement in the southwest corner of the lot needs to be shown on the plan.
 - g. The setbacks listed on the plat show six feet side, six feet rear, and 25 feet front and rear. The middle listing of six feet rear should be removed as it is incorrect.
 - h. The street needs to have dimensions and shall be at least **50 feet** in dedicated right-of-way width, due to the street being a legal nonconformity. The paving width should be labeled as well.
4. All required permits shall be obtained prior to work. Right-of-way permits are needed prior to working in the road right-of-way.
5. 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.
6. **Title** information regarding ownership is required to be submitted.
 7. 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.
 8. A revised Preliminary Plat shall be submitted with the Final Plat prior to City Council review along with the remaining balance due for the application fee.
 9. **Curbing** is in place along 6th Street SW, and any curb cuts are subject to the specifications, review and approval by the City. A right-of-way permit is required prior to curb/driveway work being done.
 10. **A Development Agreement (or Letter of Understanding in Lieu of the Development Agreement) is being waived and is not required for this project.**

A motion was made by Mr. Hill, seconded by Mr. Klaphake and unanimously carried adopting the Finding of Facts as presented and recommending the Council approved the Preliminary and Final Plat with conditions as stated above.

A.I. #7 UNFINISHED BUSINESS

None

A.I. # 8 NEW BUSINESS

- a. Director Atkinson stated that Joe Hennen, owner of the land east of the 8-plex (120 5th Avenue NW) located at the corner of 5th Avenue NW and 2nd Street NW near Pine Villa, would like the City to consider allowing increased density beyond the four units that would be allowed by code.

Mr. Hennen would like the Commission to provide some insight on whether the preference is to remain at four dwelling units as strictly allowed by code, or whether they would entertain a modification to the regulations, whether by variance(s) or ordinance amendment that would allow six or eight units on the site. If six units were to be allowed, a variance would be required for density/units per square foot of lot size. If eight units were to be allowed, an additional variance would be needed from the rear setback to allow the building to be moved to the south to allow sufficient parking (16 stalls) north of the building.

Mr. Hennen stated to best utilize the land he would like to construct an 8-plex. Utilizing the land for construction of an 8-plex will limit the available parking.

Ms. Atkinson provided information from the League of Minnesota Cities for allowing the variance. The three prong test consists of if it is a reasonable request, uniqueness, whether the land has physical characteristics that make it unique and require the variance, and whether the request would alter the essential character of the neighborhood. Variances, to be granted, should be in *harmony with* the purposes and intent of the ordinance. Ms. Atkinson stated that she felt the Commission could find attributes that would justify granting the variance.

Mr. Hennen stated that the new structure would mirror the existing structure.

Granting a variance to the rear set back would allow for 16 parking spaces.

Mr. Mayers said that on-site parking is required, and he recommends going the route of requesting a variance from the rear setback.

The Commission was open to allowing a 6 or 8-unit complex on the site.

- b. Director Atkinson noted that at the Council's first meeting in January 2020, consideration will be given to making appointments to the various boards and commissions. A notice regarding same will be published in the Melrose Beacon on October 16 and October 30 informing residents that those interested in seeking appointment should submit their application to the City Clerk by no later than Friday, November 8. Applications are available at the Melrose City Center.
- Planning and Zoning Commission – two members (four-year term)
Term expiring: Jason Seanger and Kevin Thomes

A.I. #9 INFORMATIONAL ITEMS

- a. The Commission's next meeting is scheduled for Monday, October 28, 2019 at 6:30 p.m.

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

None

A.I. #11 ADJOURNMENT

A motion was made by Mr. Mayers, seconded by Mr. Klaphake and unanimously carried that the meeting be adjourned at 7:25 p.m.

PATRICIA HAASE – CITY CLERK