

Pursuant to due call and notice thereof a meeting of the Planning Commission in and for the City of Albany, Stearns County, Minnesota, was called to order by Chairman Adam Rushmeyer at 6:30 o'clock in the evening on Wednesday, August 26, 2015 in the Council Room at 400 Railroad Avenue for the said City.

Other Planning Commission members present for the meeting were: Joseph Wedel, Will Seiler, Todd Horton, and Keith Heitzman. None were absent. Councilor John Greer, Planning Commission Liaison, was present for the meeting.

Chairman Adam Rushmeyer called for any additions or corrections to the minutes of June 15th and hearing none declared them to be approved.

Others present for the meeting: Chuck Barthel, Dean McDevitt, Administrator and C.E.O., Mother of Mercy Campus of Care, Mark Knapp, President of the Board of Directors for Mother of Mercy Campus of Care, Mike Trossen, Architect, and Jesse Stueve, resident property owner.

Pursuant to due notice, at 6:33 PM, Chairman Adam Rushmeyer called a public hearing into session on a request by Chuck Barthel, 751 7th Street for a variance to relax the street side yard corner lot setback requirement of twenty-five (25) feet and the rear yard requirement of twenty (20) feet to allow for the construction of a garage addition (28' x 44' [1,232 sq.ft.]) to a single family residential home. A proper notice was published in the Albany Enterprise on August 12th and no written comments were received. Mr. Barthel appeared before the Planning Commission to inform the Board that the purpose of the garage addition is to not have any vehicles, trailers, lawnmower, or any other objects stored outside. Mr. Barthel noted that the property does not have a garage and due to a large mature maple tree in his rear yard, a variance is necessary to save the tree. Mr. Greer questioned if Mr. Barthel would be operating any type of business at the residence. Mr. Barthel informed the Board he sold his sandblasting business and has no desire to operate another business. Mr. Schneider noted that the single family home (1,316 sq.ft.) was constructed in 1971 and is located on a 75' x 130' lot or 9,750 sq.ft. Mr. Schneider also noted the variance is to relax the street side yard corner lot setback from twenty-five (25) feet to twenty-one (21) feet on 2nd Avenue and to relax the rear yard setback from twenty (20) feet to nineteen (19) feet. Mr. Schneider noted the existing home is twenty-one (21) feet from the northern boundary line or street side yard on 2nd Avenue and the proposed garage addition will be twenty-one (21) feet or the same building line as the home. Mr. Schneider noted the request does not exceed the maximum lot coverage. Chairman Adam Rushmeyer closed the public hearing at 6:45 PM. After due discussion, a motion was made by Joe Wedel and seconded by Todd Horton to recommend to the Council that the request by Chuck Barthel, 751 7th Street for a variance to relax the street side yard corner lot setback requirement of twenty-five (25) feet and the rear yard requirement of twenty (20) feet to allow for the construction of a garage addition to a single-family residential home be approved per the following:

1. The variance request is consistent with the comprehensive plan in that it encourages new construction and increased property tax base.
2. The site location of the new garage addition (28' x 44') has no effect on the visibility of vehicles entering the intersection of 2nd Avenue and 7th Street and does not extend beyond the street side yard corner lot building line of the existing home.
3. The variance will not be detrimental to the public welfare.
4. The variance will allow a very mature large tree to remain on the lot and provide shade to the home making it more energy efficient.
5. Exterior siding and shingle of garage addition to be the same as existing home.
6. Variance to relax the street side yard corner lot setback from twenty-five (25) feet to twenty-one (21) feet on 2nd Avenue and to relax the rear yard setback from twenty (20) feet to nineteen (19) feet.

All voted and the motion carried.

Mr. McDevitt appeared before the Planning Commission to inform the Board that the project budget for MOM-D has to be approved by the United States Department of Agriculture (USDA) and efforts are being made to reduce costs related to the construction of their a two-story walkout style building that include 24 assisted living units and a lower level child day-care center. Mr. Trossen noted that the reduced costs include changing a portion of the exterior building material from stucco to steel residential siding and removal of fabric canopy structure on east side of building. Mr. Trossen also submitted to the Board a lighting and landscape plan and noted construction should begin in mid-October. Mr. Greer questioned if the previous day-care provider will be returning to the new building. Mr. McDevitt informed the Board that he has been in contact with the owner of the day-care and plans are to move in upon completion of the new building. Mr. Schneider informed the Board that the City had approved a Planned Unit Development (PUD) for this development with conditions and any amendments are required to be brought before the City for approval. Mr. Trossen noted that civil drawings have been submitted to the City for review by the City Engineer. Mr. Trossen informed the Board that the information presented to the Planning Commission has been presented and approved by the Church of Seven Dolors Parish Council. After due discussion, a motion was made by Joseph Wedel and seconded by Keith Heitzman to recommend to the Council to approve the modification to the exterior building material, landscape and lighting plan for MOM-D. All voted for the motion and it carried.

Pursuant to due notice, at 7:00 PM, Chairman Adam Rushmeyer called a public hearing into session on a request by the Albany Planning Commission to amend the Zoning Ordinance, Section 80.05, Subd. 3(a)(3)(yards, open space and off street parking), Section 80.05, Subd. 7(a)(detached accessory buildings), and Section 80.05, Subd. 7(d)(detached accessory buildings) of the Albany City Code. A proper notice was published in the Albany Enterprise on August 12th and no written comments were received. Mr. Schneider informed the Board that the text was inconsistent and the amendment was prepared with the assistance of the City Attorney. Mr. Schneider also noted that the proposed amendment was presented to the Board at the June 15th Planning Commission meeting and recommended approval. Chairman Adam Rushmeyer closed the public hearing at 7:05 PM. After due discussion, a motion was made by Joseph Wedel and seconded by Will Seiler to recommend to the Council that the aforesaid amendment be approved. All voted for the motion and it carried.

Pursuant to due notice, at 7:06 PM, Chairman Adam Rushmeyer called a public hearing into session on a request by the Albany Planning Commission to amend the Zoning Ordinance 80.29, Amendments and Rezoning, Section 80.29, Subd. 2 (c), and Section 80.29, Subd. 2(e) of the Albany City Code. Mr. Schneider informed the Board that the text contains contradictory statements that the Zoning Administrator sets the public hearing and later, the Planning Commission, after review of the text amendment, sets a date for a public hearing. Mr. Schneider recommended that the Zoning Administrator always sets the date for the public hearing similar to requests made by members of the public. Chairman Adam Rushmeyer closed the public hearing at 7:08 PM. After due discussion, a motion was made by Will Seiler and seconded by Todd Horton to recommend to the Council that the aforesaid amendment be approved. All voted for the motion and it carried.

Mr. Schneider informed the Board that in 1954, a property owner deeded the City forty (40) feet of property west of the intersection of 8th Street and Aliva Avenue for a future street, but as the property west of this intersection was developed in 1999, the developer and City was not interested in the construction of a street; whereupon in 2003, the City vacated twenty-four (24) feet to the adjoining property owner and retained sixteen (16) feet for a pedestrian walkway. Mr. Schneider noted that the adjoining property owner had petitioned for the vacation and proper notice for a public hearing had been conducted. Mr. Schneider noted that the City Attorney at that time recommended that a Quit Claim Deed be executed and recorded with the adjoining property owner, but for some reason or another, it did not occur. Mr. Schneider also noted that since this is a subdivision of City property, a certificate of compliance is required and the Council will have to approve the split as per Ordinance 81.20. After due discussion, a motion was

made by Todd Horton and seconded by Joseph Wedel to recommend to the Council to approve the subdivision of City property and execution of a Quit Claim Deed. All voted for the motion and it carried.

The Planning Commission took notice of a proposed amendment to Ordinance 80.21, Exterior Material Requirements. Mr. Schneider noted that a public hearing is required for a Zoning Ordinance amendment and the proposed language is for discussion purposes only. Mr. Schneider noted that the language in the amendment would preserve and complement the historical character of the existing commercial building stock on Railroad Avenue and prohibited exterior materials included but not limited to corrugated, galvanized or unfinished steel, unadorned pre-stressed concrete panels, non-decorative concrete block, metal siding with exposed fasteners, and vinyl siding. Mr. Schneider informed the Board that many nearby cities only provide guidelines for façade improvements and do not regulate by ordinance compatible exterior building materials with the original architecture within the core commercial district or downtown. Mr. Schneider noted that the greatest characteristic of Albany's mainstreet or Railroad Avenue is the blend of building styles, time periods, and exterior architecture of each building which leaves valuable impressions on visitors and residents including a welcoming and caring appreciation of the City's past. Mr. Schneider also noted that improvements to older buildings are very expensive and many times property owners will consider less expensive materials to cover historic characteristics of an older building. Mr. Rushmeyer questioned if an option would be to designate a smaller area within the C1 Zoning that would have to meet exterior building material design requirements. Mr. Greer noted that in 2012 the City and several business owners on mainstreet participated in the City's loan/grant program to upgrade and improve storefronts and other cities have done the same. Mr. Greer noted that the City does have funds, but limited, to any property owner who might consider storefront improvements and applications are reviewed by the City's Economic Development Authority. Mr. Seiler noted that this is a difficult issue knowing that historic buildings on mainstreet are very unique, but the cost to maintain and/or replace with similar exterior building materials exceeds the market value of many of the buildings. Mr. Greer questioned if a Conditional Use Permit should be considered for those property owners who are deviating from the approved exterior building material list which would require the property owner to discuss his building improvement plans with the Planning Commission prior to construction. Mr. Rushmeyer, with the consensus of the Board, directed Mr. Schneider to soften the language in the proposed amendment and to present a draft at the next meeting.

Chairman Adam Rushmeyer presented to the Board Zoning Ordinance Section 80.11, Subd. 17(c), Walls Signs within a C1 Zoning District. Board member Will Seiler, owner of the Albany Apothecary, stepped down from the Board. Mr. Schneider informed the Board that new wall signs were installed on the Albany Apothecary building that exceeded the maximum sixty-four (64) square feet in total area for wall signs. Mr. Schneider noted that the new signs are one-hundred eighteen (118) square feet and not in compliance with the zoning ordinance. Mr. Schneider noted that options to consider are the removal of signage to meet the ordinance requirement or the Planning Commission may consider a zoning ordinance amendment. Mr. Schneider informed the Board that the ordinance does not distinguish between large and small storefronts; whereas if a property owner has fifty (50) lineal feet and another has twenty-five (25) lineal feet of frontage, both are treated equally. Mr. Schneider noted that the Board may want to increase the maximum area of walls signs to one-hundred twenty (120) square feet for those properties with fifty (50) feet or greater lineal frontage and if less than fifty (50) feet in lineal frontage, the maximum area for wall signs would remain at sixty-four (64) square feet. Mr. Schneider presented to the Board language related to wall signs from other nearby cities. Chairman Adam Rushmeyer, with the consensus of the Board, directed Mr. Schneider to schedule a public hearing to consider a zoning ordinance amendment to Section 80.11, Subd. 17(c) to increase the maximum area of walls signs for those properties within a C1 Zoning District having fifty (50) feet lineal frontage or greater.

Mr. Seiler returned as a Board member.

Mr. Greer informed the Board that the Council authorized the expenditure of up to \$60,000 to participate in a Clean Water Fund application to be submitted by the Stearns County Soil and Water Conservation District for the purpose of improving the water quality in North Lake and Two River Lake. Mr. Greer also noted the following: 1) The project will work to address the nutrient impairment of Two Rivers Lake through the installation of targeted best management practices as prioritized in the 2015 Two Rivers Lake Targeted Conservation Practice Plan, 2) The goal on this project is to implement practices with three rural agricultural landowners with active erosion concerns north of the City and also address nutrient concerns in two of the identified sub watersheds (north of North Lake) within the City of Albany, 3) Cost estimates and pollutant reduction estimates have been calculated using data from past Stearns SWCD projects and work done by RESPEC for the 2015 Two Rivers Lake Targeted Conservation Practice Plan, 4) The funds requested with this application will go towards implementation of projects to reduce the nutrient and sediment loading from those properties within those prioritized areas., 5) The three agricultural sites will be focused on erosion control practices. BMP’s adopted will range from structural practices (water and sediment basins, grassed waterways, etc.) to management practices (cover crops, residue management, land use changes), 6) Targeted for the areas within the City of Albany are a potential wetland restoration and multiple urban BMP’s (raingardens, infiltration swales, etc.). Mr. Greer also presented the following project cost breakdown:

Project Cost Breakdown

	<u>Project Cost</u>	<u>Match (already included in project costs)</u>	
Albany Projects	\$ 196,080*	\$ 60,000 Cash/\$ 3,930 In-kind (32.6%)	- City
3 Rural Erosion Projects (SWCD)	\$ 134,760**		
 Total Grant	 \$ 233,220	 \$ 97,620 (29.5%)	 = \$ 330,840 Project Total

* Includes Private Engineering Costs – Est. 27.5% Project Cost

** Includes Construction Costs, SWCD Technical Work, Land Owner Match and SWCD In-kind Match for all 4 Projects (City and 3 Erosion Sites)

Mr. Seiler informed the Commission that on August 11th the school district held a \$33 million dollar referendum vote to support facility renovations and expansion for the Albany School District. Mr. Seiler reported that the vote passed 2,079-472 or 81% voting in favor; whereby an additional \$6.2 million dollars had been donated by local businesses that will be contributed to the proposed improvements. Mr. Seiler noted that construction will begin in the spring of 2016.

Chairman Adam Rushmeyer adjourned the meeting at 8:00 PM.

Tom Schneider
Clerk/Adm.