

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 Acting Chairman Todd Horton at 6:30 o'clock in the evening on Wednesday, March 27, 2013 in the Council Room at 400 Railroad Avenue for the said City.

Other Planning Commission members present for the meeting were: Will Seiler, Joseph Gilk, Joseph Wedel, and Adam Rushmeyer. None were absent. Councilor John Greer, Planning Commission Liaison, was present for the meeting.

Acting Chairman Todd Horton introduced Mr. Rushmeyer to the board having been appointed to the Planning Commission by the Council. Mr. Schneider noted that Mr. Rushmeyer is replacing John R. Harlander on the Board and his term will end December 31, 2014.

Acting Chairman Todd Horton called for any additions or corrections to the minutes of December 3rd and hearing none declared them to be approved.

Acting Chairman Todd Horton called for any nominations for the position of Chairman on the Planning Commission for the year 2013. Commission member Will Seiler nominated Joseph Gilk for Chairman. Mr. Horton hearing no other nominations closed the nominations from the floor for the position of Chairman. After due discussion, a motion was made by Will Seiler and seconded by Joseph Wedel to appoint Joseph Gilk as Chairman of the Planning Commission for the year 2013. All voted for the motion and it carried.

Acting Chairman Todd Horton called for any nominations for the position of Vice-Chairman on the Planning Commission for the year 2013 Commission. Mr. Gilk nominated Todd Horton for Vice-Chairman. Mr. Horton informed the Board that due to his job responsibilities it may be difficult for him to attend all the meetings. Mr. Gilk nominated Will Seiler for the position of Vice-Chairman. Acting Chairman Todd Horton hearing no other nominations closed the nominations from the floor for the position of Vice-Chairman. After due discussion, a motion was made by Joseph Gilk and seconded by Todd Horton to appoint Will Seiler as Vice-Chairman of the Planning Commission for the year 2013. All voted for the motion and it carried.

Joseph Gilk stepped down from the Board as Chairman.

Roland Gilk, 321 8th Street, was present for the meeting.

Pursuant to due notice, at 6:35 PM, Acting Chairman Will Seiler called the public hearing into session on a request by Roland Gilk, 321 8th Street, for a variance to relax the front yard requirement of twenty five (25) feet and the side yard requirement of ten feet to allow for the construction of a 5.5' X 26' garage addition. Mr. Schneider noted that a proper notice was published in the Albany Enterprise on March 13th. No members from the public were present from the meeting. Mr. Roland Gilk presented to the Board a letter in support of his variance request from Norbert Schleppenbach, Ken Kortenbusch, and Frank Haynes who reside adjacent and/or near the Gilk property. Mr. Schneider noted that a Certificate of Survey identified the northwest corner of the proposed garage addition or side yard to be less than one (1) foot from the adjacent property and the front yard setback to be twenty (20) feet from the front yard property boundary. Mr. Schneider provided historical information on the property and noted that the home was constructed in 1967, prior to any zoning regulations and parallel to 8th Street. Mr. Schneider also noted that Mr. Gilk obtained a perpetual maintenance easement from Our Savior's Lutheran Church of Albany, the property owner north of the Gilk property for the purpose of maintaining the structure in the future. Acting Chairman Will Seiler closed the public hearing at 6:45 PM. After due discussion, a motion was made by Will Seiler and seconded by Joseph Wedel to recommend to the Council that the request by Roland Gilk, 321 8th Street, for a variance to relax the front yard requirement of twenty five (25) feet and the side yard requirement of ten (10) feet to allow for the construction of a 5.5' X 26' garage addition be approved as per the following:

- That the property owner has proposed to use the property in a reasonable manner that is not permitted under the conditions allowed by Ordinance 80.

- The need for the variance is due to circumstances unique to the property not created by the landowner.
- That the variance, if granted, will not alter the essential character of the locality.
- The variance is not sought solely for reasons of increased financial gain.
- That granting the variance is consistent with the intent and purpose of the zoning ordinance and the comprehensive plan.
- That the condition or situation of the specific piece of property, for which the variance is sought, is not so general or recurrent in nature as to make it reasonably practicable to adopt a general regulation to address the condition or situation, rather than a variance.
- Approval is granted to allow the garage to be built less than one (1) foot from the northern property line and twenty (20) feet from the front property line.
- Exterior siding and shingles to match existing materials on home.
- The garage addition shall not extend beyond the existing front yard house line.
- The perpetual maintenance easement provided by Our Savior's Lutheran Church of Albany will allow Mr. Gilk to conduct routine maintenance on his garage and prevent any future structure from being constructed on the church property adjacent to Mr. Gilk's property or any other future property owner providing adequate open space.

All voted for the motion and it carried.

Joseph Gilk resumed his position as Chairman on the Board.

Stan Hanson, City Engineer, with the firm of Stantec, Inc., St. Cloud, MN, Bryan Schiffler, business owner, and Nick Schiffler, Bryan's son, were present for the meeting.

The Commission took notice of a proposed preliminary site plan for the commercial development of seven (7) acres +/- west of 225th Avenue. Mr. Schneider informed the Board that the City and Albany Township approved a joint resolution for orderly annexation on March 25th and the resolution is being reviewed by the State Municipal Boundary Adjustment Unit for final approval. Mr. Schiffler informed the Commission that there is potential to construct a building on the property this fall and access to the property will come from a shared driveway with General Rental, an existing business east of the development, on Country Road #41 and a second driveway access on 225th Avenue. Mr. Schneider informed the Board that existing water and sewer mains are located on the northern and eastern property boundary and are readily accessible for connections. Mr. Schneider noted that there is nearly \$70,000 in deferred assessments on the property that originally was paid for by the City to serve other developments, but could not be collected because the property was located in Albany Township. Mr. Schneider also noted that Park Dedication fees, and if platted in the future, trunk water and sewer fees per acre will need to be collected. Mr. Hanson presented to the Board several issues that will need to be resolved prior to final building permit approval, but commended Mr. Schiffler for providing sufficient information for preliminary approval. After due discussion, a motion was made by Will Seiler and seconded by Joseph Wedel to recommend to the Council that the preliminary site plan application submitted by Bryan Schiffler for the commercial development of seven (7) acres +/- west of 225th Avenue be approved contingent upon the following:

- 1) A Wetland permit will need to be obtained through Stearns County Environmental Services.
- 2) The owner shall provide the City with an approved National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency (MPCA) prior to construction activity.
- 3) Due to the fact the site is along County Road #41, the site plan will need to be submitted to the Stearns County Highway Department for review and comments.
- 4) An Ingress and Egress Easement will need to be obtained for the southeast access to property.
- 5) A utility plan will need to be submitted for review.
- 6) There are deferred assessments and park dedication fees that will need to be paid in full to the City. If platted, additional fees to be paid by property owner.
- 7) Further analysis of the plans submitted may reveal additional requirements that will need to be addressed prior to issuing a building permit.

All voted for the motion and it carried.

Mr. Hanson updated the Board on the progress of the Railroad Avenue (TH #238) Improvements. Mr. Hanson noted that weather permitting the project will begin April 22nd and be done in two phases. Mr. Hanson noted that R.L. Larson Excavating, Inc., St. Cloud, MN, is the general contractor.

Mr. Hanson presented to the Board a proposed five-year Capital Improvement Plan for the reconstruction of older streets and utilities that have required more than normal maintenance. Mr. Hanson noted that the estimated costs for the improvements are \$4.5 million. Mr. Schneider informed the Board to review the said Plan and if any additional improvements should be considered, they can easily be added to the list.

Mr. Schneider informed the Board that in 2012 there were eight hundred (800) building permits executed which is eight (8) times higher than any other previous year. Mr. Schneider noted a large hail storm on May 1, 2012 caused damage to nearly every home and commercial business in the City. Mr. Schneider also noted that the total value of the improvements listed on the building permit applications was nearly \$14 million dollars and that several structures are to be repaired in 2013.

Mr. Schneider presented to the Board a list of vacant residential, commercial, and industrial lots available for development in the City. Mr. Schneider noted that residential lot sales range anywhere from \$12,500 to \$35,000 per lot and encouraged the Board to solicit new home buyers and buildings to the community.

Chairman Joseph Gilk informed the Board that a member of the Commission will need to be appointed to the City Economic Development Authority (EDA) being former Planning Commissioner member John Harlander is no longer a Board member. After due discussion, a motion was made by Todd Horton and seconded by Joseph Wedel to recommend to the Council that Adam Rushmeyer be appointed to the EDA Board. All voted for the motion and it carried.

Chairman Joseph Gilk adjourned the meeting at 7:40 PM.

Tom Schneider
Clerk/Adm.