

## **CITY OF BATTLE LAKE PLANNING COMMISSION**

The Battle Lake Planning Commission met Wednesday, March 2, 2016 at 6:00 pm at City Hall. Present were Commissioners Gary Dirckx, Bev McAllister, Mike Adkins, Steve Seufert, Chuck Reeve and Don Maslow. Absent was Dave Tomhave. Also present were City Zoning Officers Val Martin and Bert Olson. Others present for the hearing were Jeremy Anderson, Milt Paulson,

The meeting was called to order by Chairman Dirckx.

McAllister moved to approve the agenda. Maslow seconded. MCU

Seufert moved to approve the minutes. McAllister seconded. MCU

The proposed changes to the zoning map were reviewed. Martin made changes since the last meeting. Seufert made a motion to recommend the zoning changes to the council. Adkins seconded. MCU Jeremy Anderson will have their office redo the map with the proposed changes. A hearing will be set up in the near future.

Additional Zoning Ordinance Definitions were reviewed, using the County's Ordinance as an example. Possible changes to definitions include:

- **Height of Building** – Change to County's definition
- **Impervious Surface** – Amend our definition, use the County's as an example but add additional items to make measuring more clear
- **Manufactured Home** – Comparison to County – amend
- **Manufactured Home Park** – Add County's definition
- **Nonconformity** – Amend to make the definition more clear (set-backs, etc.)
- **Nonriparian** – Add definition from the County
- **Open Space** – Add definition from the County
- **Public Water** – Amend – Use County's definition as an example
- **Recreation Camping Area:** Add County's definition
- **RCU – Recreation Camping Unit:** Add County's definition

### **Other Discussion:**

- How do we handle/regulate campers? Find out what other cities do.

Gary Dirckx opened the meeting for a variance request from Darcy Cowing-Frank, 809 Lakeshore Drive, Battle Lake, MN *to construct a 12 foot by 5 foot second story deck on the front side of house. This would encroach on the right of way setback by 5 feet. Upper doors for egress existed when the house was purchased.*

Darcy was present and described her request. The house was built by someone else and the 2<sup>nd</sup> story deck doors were installed but no deck was ever built. Not only does it affect the look of the house, but there is a safety issue. Bert Olson noted that he and Steve Seufert found some of the survey pins and measured. It appears that the encroachment will be more like a foot rather than 5 feet. It will not impede the view of the neighbors.

Following discussion, the Commission formulated the following findings of fact: 1- the plan complies with the Comprehensive Plan and the Zoning ordinance. 2 – Unique circumstances exist because the lot size is unusual. 3- The variance is needed to complete the deck that was probably already planned when the house was built and it is a safety issue. 4 - The plan is compatible with surrounding areas that are all zoned residential. 5 - The plan complies with the City's Shoreland Management, Stormwater Management and Wellhead Protection ordinances. 6 - The proposed plan is the best use of that property.

McAllister moved to recommend the council approve the variance request. Seufert seconded. MCU

A hearing was opened for Milton T. Paulson. He is requesting a Conditional Use Permit to do site work for a 16 unit apartment building. The location of the proposed building is along County Highway 83 (Holdt Street) and Garfield Avenue.

Paulson and Jeremy Anderson, engineer explained the project:

- Stormwater plan was engineered by Design Tree Engineering – 2 stormwater ponds are proposed with capacity for 100-year storm event (5 ½ inches of rain in 24 hours).
- It is a 16-unit apartment complex with parking on both ends
- Impervious surface is at 35.4%
- An NCPED permit is needed through MPCA – Anderson will apply for this
- Olson noted that this is an excellent plan for stormwater management and may address some of the long-term issues that the City has seen in that area
- Distribution of soil will be fairly even
- Most trees will go but they will plant a line of trees on the north side after construction is complete

It was noted that they will be utilizing natural gas.

Following discussion, the Commission formulated the following findings of fact: 1-no apparent burden on streets or utilities; -not incompatible with surrounding areas; 3-no adverse effect due to appearance; 4-intended use related to existing land use; 5-consistent with city land-use ordinances and comprehensive plan.

Adkins made a motion to recommend the Battle Lake City Council approve the Conditional Use Permit. Maslow seconded. MCU

Next meeting is March 29<sup>th</sup> at 5:30 p.m. This meeting will strictly be a work session for the land use ordinances. A break will be taken and supper will be served.

Meeting was adjourned at 7:55 p.m.

Valerie J. Martin, Secretary  
Battle Lake Planning Commission