

**CITY OF BATTLE LAKE  
PLANNING COMMISSION**

The Battle Lake Planning Commission met Tuesday, January 3, 2017 at 7:00 pm at City Hall. Present were Commissioners Gary Dirckx, Steve Seufert, Chuck Reeve, Dawn Swisher, Bev McAllister and Don Maslow. Absent was Gene Kelm.

The meeting was called to order by Chairman Dirckx.

McAllister moved to approve the agenda. Seufert seconded. MCU

Maslow moved to approve the minutes. McAllister seconded. MCU

Maslow made a motion to approve the same slate of officers as 2016:

Chair: Dirckx

Vice Chair: Seufert

Secretary: Martin

Reeve seconded. MCU

A variance request came from Battle Lake Oasis. It was tabled from the last meeting due to the weather. The hearing was held in December at the council meeting as scheduled. The adjacent property owners were at the hearing to get additional information and after hearing what the request entailed, they did not have any concerns.

The request is to consider a variance from the allowable impervious surface. After installation of parking lot, impervious calculation came in at 41.45%. This is 811 square feet over the allowable 22,292 square feet. A higher berm was installed on the east end of the property, along with a small stormwater area in the northeast section of the property to keep water on the property.

Jeff Johnson was in attendance for any questions.

**Martin presented her staff report:**

*After the Battle Lake Oasis completed their construction, Steve and I visited the property to do an impervious study as it appeared they could be very close to the maximum. After measuring and re-measuring, we came up with a percentage of 41.454%, or 811 square feet over the allowable 40%. The owners had discussed enlarging their parking lot to accommodate as many customers as possible and decided to swap a couple areas where grass would be planted but it appears the parking lot was made a little larger than discussed, making them go over the 40% impervious. I informed the owners of our findings and suggested their only option (with no guarantees) was to apply for a variance or they would have to convert some of their impervious surface to grass.*

*After getting their application, Steve and I did another site visit to look at the "berm" they spoke of in their application. It did not appear to us that it would take care of their water issues and I asked our city engineer to look at their property and bring back suggestions. After his site visit, he said that the berm they have is not going to do what is needed to keep the stormwater on their property. He suggested they install a 2-foot high berm next to the parking lot with a curved end on both the north and south sides to keep their water on their property. If the Planning Commission makes a recommendation to the council to grant the variance, I would recommend that this higher berm be a condition of the variance. In my opinion, I would answer the findings of fact as follows:*

- 1. Is the request reasonable?** *The request is reasonable, if the conditions are put on it and the stormwater is kept on their property.*
- 2. Unique Circumstances** – *This test may be a little more difficult to document other than the need for drainage to remain on the property. The area of concern is quite flat thus the need for additional work to create a berm.*
- 3. Essential Character** – *Granting this variance will not alter the essential character of the locality.*
- 4. Is the request in harmony with the ordinance and the Comprehensive Plan?** *The request does not interfere with the intent of the zoning ordinance and is in line with the Comprehensive Plan.*
- 5. Will the variance request have an adverse impact on government services?** *The request would not impact services as long as the storm water remains on the property.*
- 6. Is the request based upon economic consideration?** *This does not appear to be a consideration.*
- 7. Does the sewage system need upgrading?** *No*

*The proposed project could fall within the statutory requirements of a variance and I do not see any issues in consideration for granting the variance. I would recommend imposing the condition of the added berm as suggested by our City engineer.*

The Commission discussed where the berm should be installed. Close to the property line would be the best area and it can be installed with a gradual slope so there is no issue with mowing. The commission also felt there

should be a deadline of June 1, 2017 for the property owners to get it done. Jeff Johnson felt this would not be an issue.

The commissioners went through the findings of fact and agreed with Martin's answers. McAllister made a motion to recommend the City council approve the variance with the condition of the 2 foot berm as presented and to be completed by June 1, 2017. Seufert seconded. MCU

New timesheets for 2017 were distributed. Commissioners should keep them in their binder and turn them in at the end of the year.

Several updates to the binders were distributed.

Martin requested e-mail addresses from commissioners to e-mail the packets and they were all in agreement that would work. Printed copies will be at the meeting or can be picked up prior to the meeting.

Land-Use training through the League should be taken by new members and those that haven't taken it yet.

Adjourn – 7:45 p.m.

Valerie J. Martin  
Zoning Officer/Secretary