

CITY OF BATTLE LAKE
PLANNING COMMISSION

The Battle Lake Planning Commission met Tuesday, July 2, 2019. Present were Commissioners Chuck Reeve, Dawn Swisher, Bert Olson, Gene Kelm, Greg Maynard and Don Maslow. Absent was Gary Dirckx. Also present were Val Martin, Clerk/Treasurer/Zoning Officer; Chris Johnson, Public Works; and Terry Stroh, property owner.

The meeting was called to order by Maslow. The Pledge of Allegiance was recited.

Kelm made a motion to approve the agenda. Maynard seconded. MCU

Reeve made a motion to approve the minutes. Kelm seconded. MCU

102 EDA Drive Subdivision Preliminary Plat

Maslow opened the hearing for the consideration of a preliminary plat.

Application for consideration of a preliminary plat from the City of Battle Lake for a subdivision to be known 102 EDA Drive Subdivision. The legal description is South Battle Lake Fifth Addition, Lot 9, Block 3. The City plans to parcel a 10,000 square foot lot from this parcel for commercial use.

Presentation of Application and Staff Report: Martin presented the preliminary plat. The City of Battle Lake is proposing a split of the property located at 102 EDA Drive. This new 10,000 square foot lot will be used as a land swap for a property that is part of the Hatchery Row project. The owner intends to move his metal building that is currently located between the Hatchery Row buildings and the City's alley.

Planning Commission Discussion: Olson stated he had some concerns about splitting this parcel from the property designated specifically for stormwater management. Martin said that portion already has a driveway and a large portion is gravel. The commissioners discussed whether this specific area would affect the flow of stormwater. The area to the north and northeast starts sloping and the very northern area of the City's property is where the majority of the stormwater flows. Martin will do some checking on the history of this purchase before the council meeting.

Call for Public Comment: No comments

The public hearing was closed and the commissioners reviewed the preliminary plat checklist. Reeve made a motion to make a recommendation to the City Council for approval of the 102 EDA Drive Preliminary Plat. Maslow seconded. Olson opposed with all others voting yes. Motion carried.

Request for Rezoning

The location of the change is 102 EDA Drive, owned by the City of Battle Lake. The property descriptions are South Battle Lake Fifth Addition, Lot 8 and 9, Block 3 and the proposal is to change the zoning from residential to commercial.

Martin presented the application and staff report. It is the same area described in the subdivision above but will include the original lot, along with the lot to the north of the property to avoid spot-zoning.

The Planning Commission discussed the process and reviewed the map. They went through the Findings of Fact:

1. Does the City need more land in the zoning class requested? **Yes – as this will assist in a redevelopment project for Hatchery Row.**
2. Is there other property in the community that might be more appropriate for this? **None is available**
3. Is this request compatible with the Comprehensive Plan? **Yes**
4. Will the proposed change have a serious impact on traffic, parking, water and sewer services or other utilities? **No, it will have no impact**
5. Is there a good possibility the change, as proposed, will have an adverse impact on property values in the vicinity? **It will not**
6. Is there a good possibility the change, as proposed, will result in lessening the enjoyment or use of adjacent properties? **No**
7. Will the change, as proposed, cause serious noise, odors, light, activity or unusual disturbances? **No**
8. Does the requested change raise serious legal questions such as spot zoning or the need for this type of use? **No**
9. Does the proposal seem realistic? Is it properly financed and does it depend on other events that must first occur to make it feasible? **Yes All events have been put in place**
10. How will the request change the impact of the environment? **None**

Swisher made a motion to recommend the City Council rezone the parcels as described. Kelm seconded. MCU

Variance Request:

Terry and Mary Stroh of 828 Lake Shore Drive are requesting a variance to the side yard and the right-of-way. The request is as follows: **SIDE YARD VARIANCE:** I am requesting a side yard variance for a new garage. The existing garage is 22'x22' and 5' away from the east property line. Set back is 10'. New Garage is 24'x34' and would like to place it 7'-8" away from property line moving it farther would require my removing a large tree to get in to the new garage. At this point I'm maneuvering around the tree a little but should work. **FRONT YARD VARIANCE:** I am also requesting a variance for putting my new garage on the same front plain of the existing garage. Set back is 30' but along this street there are only a hand full of properties that meet that requirement. Right now, my existing garage is only 20' from front property line and it's required to be 30'. The properties to the west all line up with my garage and the properties on the east most of them are closer. I'm asking to keep the garage line or plain in the same place as it is today.

Applicant presented application: Some member of the commission met on-site to review his request. Stroh stated that he is requesting the 20 foot set-back in order to stay where the garage is currently located. He would also like to request a side yard variance of 7'8" rather than 10 feet and this actually brings the building further away from the property line from where the current garage sits. The new garage will be larger at 24' x 34' and the height will be about 22' 8",

Staff Report:

1. The subject property is legally described as All of Lot 11 and Part of Lot 12 and is currently zoned as residential.
2. The applicant has asked for a variance to accommodate a garage that is a little larger than the existing garage and they would like to place it in approximately the same location.
3. A number of the garages along Lake Shore Drive are set back about the same distance or closer to the road. A string line test could not be used as there is no longer a structure on the north side of the property.
4. The property owner wants to eliminate the removal of some trees.

Planning Commission Discussion and Findings of Fact:

1. **Is it reasonable?** The Planning Commission members agreed that it is reasonable considering that most of the garages are within that same set-back line all up and down Lake Shore Drive. Prior to the properties on Lake Shore Drive being in the City limits, the set-backs were 20 feet from the right-of-way.
2. **Unique Circumstances:** The property is unique as he wants to avoid some tree removal and the plat was done years ago with smaller lots and shorter set-backs.
3. **Essential Character:** It will not alter the essential character - It will blend in with their current structure and others along Lake Shore Drive.
4. **Is it in harmony with the general purpose of the zoning code?** Yes
5. **Is it consistent with the Comprehensive Plan?** Yes
6. **Will the request have an adverse impact on government services such as street usage, snow removal, stormwater runoff, emergency services, etc.?** It will not
7. **What portion of the variance request is based upon economic considerations? (economic considerations alone should not be a reason for granting a variance)** None
8. **Does the existing sewer treatment need upgrading?** No
9. **Are there conditions that should be imposed in granting the variance?** Yes

Olson made a motion to recommend that the City Council approve the variance based on the Findings of Fact and the recognition of the common building line and the side lot set-back is an improvement. Maynard seconded. MCU

Adjourn 7:45 p.m.

Valerie J. Martin, Zoning Officer/Secretary