

**CITY OF BATTLE LAKE  
PLANNING COMMISSION**

The Battle Lake Planning Commission met Tuesday, February 4, 2021 with some members participating via video conference pursuant to Minn. Stat.13D.021 due to a health pandemic. The meeting was called to order at 7:00 p.m. Present were Commissioners Dawn Swisher, Richard Bullard, Greg Maynard, Steve Seufert, John A. Salvevold, Don Maslow and Rezin Everts. Also present were Val Martin, Clerk/Treasurer/Zoning Officer, and Chris Johnson, Public Works Director. Visitors attended via Zoom.

Swisher made a motion to approve the following slate of officers: Don Maslow, Chair; John Salvevold as Vice-Chair and Val Martin as secretary. Maynard seconded. With a roll call vote, Maslow, Salvevold, Maynard, Everts, Swisher, Seufert, and Bullard voted yes, and no members voted no. MCU

Salvevold made a motion to approve the agenda. Seufert seconded. With a roll call vote, Maslow, Salvevold, Maynard, Everts, Swisher, Seufert, and Bullard voted yes, and no members voted no. MCU

Bullard made a motion to approve the minutes. Seufert seconded. With a roll call vote, Maslow, Salvevold, Maynard, Everts, Swisher, Seufert, and Bullard voted yes, and no members voted no. MCU

A Hearing was held for both a Conditional Use Permit and Variance Request by Bethel Lutheran Church. The two requests were presented together as they deal with the same parcel and much of the information is relevant to both requests.

**Conditional Use Permit:** *The parcels are currently zoned commercial and have an existing church building on them. The project at hand would remove the current building and build a new church on the site. We would like to apply for a conditional use permit to allow for the new church building/use on the site, keeping the zoning as commercial.*

**Variance Request:** *Pursuant to City Code #150.102 of the City of Battle Lake, Bethel Lutheran Church for property located at 106/108 Lincoln Avenue. This is the former Open Door Youth Center building. They are requesting a variance from impervious surface. The request is as follows: This request for variance is for the stormwater requirements for Impervious Area to be less than 40%. Current impervious surface is 11,970.80 square feet and is 55.57%. We are requesting the increase of impervious to 70.3.% with the construction of the new building and on-site parking. Drainage of the area will be accomplished by 1- and 2-foot-deep ditches on site to hold and drain storm water prior to release into the road ditch area as currently functions. With the variance application, we are also requesting that we are allowed to use the commercial zoning setbacks (zero setbacks). This will help us to accommodate the drainage and parking on site as well as make the grass alleyway a graveled alleyway for purposes of accessing the handicap parking on the south end of the parcel.*

Daryl Synsteliën and Jon Schwichtenberg presented the request for a Conditional Use Permit and Variance.

- The slab/on-grade, proposed building will be 8200 square feet with possible seating for 250 people. There will be on-site parking which includes 22 spaces, 8 of which will be handicapped. They also proposed to utilize parking at the community center, the City's parking lot south of the community center and some street parking.
- Representatives from Bethel Church have been working with City Engineer, Jade Berube and Zoning Officer on the parking and stormwater requirements. The plan was reviewed with the commission. There is a ditching plan will run around the building and proposed to hold a foot water on site. Berube stated that the plan they have in place will keep the majority of the water on-site. If there is a large rain event, the excess would flow out the southeast corner. Currently, there is very little stormwater that stays on the property so this proposal will be a huge improvement. It was noted that the gravel parking lot listed on the impervious calculations was not an old parking lot but a location of a building that was removed from the site. Martin recalculated their current impervious from 55.21% to 34.7%.

- They need the ability to be closer to the right of way to accommodate the building along with the stormwater management plan. Churches are listed as a use in the residential district, not commercial but it was noted that the Baptist Church is also in the commercial zoned area, which is just east of the current location for Bethel Church. Martin stated it made more sense to use a Conditional Use Permit to allow in remain commercial zoning than to require a variance from the setbacks. This allows them to work with the council on the building permit prior to approval with the setbacks being determined on that application.
- Part of their request includes being able to gravel the alley to provide access to the on-site parking. The commission felt a vacation of the alley might be a better solution as the alley is currently unimproved and would have to be built to City specs. If the alley were vacated and the community center turned over their half of the alley to the church, it would then be the Church's responsibility to maintain. When building the alley, it should be sloped towards the church property for stormwater purposes.
- Parking on Lincoln was discussed. A portion of the pavement is narrower and when cars are parked on both sides, traffic is tight and cannot accommodate two cars passing on the street. Mr. Synstelien stated they want to be good neighbors and will work on what is needed for this situation. It may need parking on just one side after the church is built.
- The commissioners asked if the church has received permission from the LACC to park in their lot on Sunday mornings. They will make sure and discuss with them prior to the council meeting but even without that parking, they can accommodate the parking needs in other ways as required by the ordinance. It was also discussed that Friday and Saturday night congestion is worse than what is seen on Sunday when Bethel meets for church at the LACC.
- Electrical poles were discussed. Martin stated that the church would have to work with Otter Tail Power if they are requesting poles be moved. If the alley were vacated, a utility easement would remain.
- Reba Gilliland was in attendance to mention that the Baptist Church also used parking on Summit on Sunday mornings. She also mentioned that Lake Affects is open on Sunday mornings and needs parking for their customers.
- Staff reports were reviewed for the request with most of the information already being covered in the discussion.

**Conditional Use Permit - Planning Commission formulated Finding of Fact:**

1. **Will the requested use create an unreasonably excessive burden on existing streets or other utilities? No**
2. **Is the requested use in any way incompatible with surrounding areas? No**
3. **Will the intended use have an appearance that will unreasonably adversely affect nearby properties? No, if fact, it will be an upgrade.**
4. **Will the intended use create an unreasonably adversely affect because of noise, odor, glare, or general unsightliness, for nearby property owners? No**
5. **Is the intended use, in the opinion of the Planning Commission, reasonably related to the existing land use and environment? Yes**
6. **Is the intended use consistent with Battle Lake Land Use Ordinances? Yes- with conditions.**
7. **Does the intendent use compatible with the Battle Lake Comprehensive Plan? Yes – it will be a benefit with additional parking and continued growth.**

Maynard made a motion to recommend the council approve the Conditional Use Permit based on the Findings of Fact and with the following condition- work with the City and the Police Department on parking. Seufert seconded. With a roll call vote, Maslow, Salvevold, Maynard, Everts, Swisher, Seufert, and Bullard voted yes, and no members voted no. MCU

**Variance Request: Planning Commission Discussion and Findings of Fact:**

1. **Is it reasonable?** The Planning Commission members agreed that it is reasonable.
2. **Unique Circumstances:** It is unique and becomes an upgrade/improvement to the area.
3. **Essential Character:** It will not alter the essential character - It will blend in with the area.
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

Seufert made a motion to recommend the City Council approve the variance based on the Findings of Fact and with the following conditions:

1. Work with the City Council on the alley – either with a vacation or other option if needed.
2. The sidewalks will be built to code.
3. Work with the City engineer on final plans for stormwater management.

Maynard seconded. With a roll call vote, Maslow, Salvevold, Maynard, Everts, Swisher, Seufert, and Bullard voted yes, and no members voted no. MCU

The Commission discussed possible changes to the zoning ordinance regarding sleeping quarters in an accessory structure – do we allow somehow? Some items to consider parking infrastructure, no kitchen, no rentals, etc. More discussion will happen at the March Planning Commission meeting.

Jade Berube presented a map showing the areas where the City owns property. Martin gets several questions on possible property for sale and the council wanted the Planning Commission to review and help determine if there are some areas that could be sold for development. After looking over the map and the areas the City owns, the group agreed that the only piece of land that might be available for development is a small piece on County 83 that is close to the new camper dump.

Martin will explore training options for new Planning Commission members.

Adjourn 8:42 p.m.

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Valerie Martin, Zoning Officer/Secretary