

**CITY OF BATTLE LAKE
PLANNING COMMISSION**

The Battle Lake Planning Commission met Tuesday, April 6, 2021. The meeting was called to order at 7:00 p.m. by Vice-Chair John Salvevold. Present were Commissioners Dawn Swisher, Richard Bullard, Steve Seufert, Don Maslow, and Rezin Everts. Absent was Greg Maynard Also present was Val Martin, Clerk/Treasurer/Zoning Officer.

Bullard made a motion to approve the agenda. Seufert seconded. MCU

Maslow made a motion to approve the minutes. Swisher seconded. MCU

Maslow did not run the meeting due to a conflict of interest. He was in attendance to answer questions but will recuse himself from the vote.

Consideration of a Variance Application

Pursuant to City Code #150.102 of the City of Battle Lake, Donald and Cheryl Maslow, located at 416 Lake Avenue South are requesting a variance from impervious surface. The request is as follows: *DKS Properties, LLC wishes to purchase property located at 416 South Lake Ave in the City of Battle Lake. A variance is requested for an increase of impervious surface from current square feet of 17,049 (40%) to 25,574 (60%) to accommodate an additional building and driveway. If needed or requested, the buyer will add landscaping for stormwater run-off.*

The application was presented by DKS Properties, LLC. He wishes to purchase the property and put in a coffee/tea business with drive-through service. He needs additional impervious surface to allow for the drive-through and the building. The proposed building will be 20 x 30.

Staff Report:

1. The subject property is legally described as South Battle Lake Addition, Lot 2, Block 2
2. DKS Properties is working with the Maslows to purchase the property and add a drive-through coffee/tea business.
3. I recalculated the impervious based on the last application from Maslow's and using the measuring tool on the County site. Rather than 60% it is at 54.3%
4. Chris and I did a site visit to look at the drainage. There is a natural slope to the ditch which goes along Highway 78, along with a natural berm on both the north and south sides of the property. The added impervious should not create stormwater drainage to the adjacent properties.
5. Considerations – Parking? It seems like there should be adequate parking even after the added building and drive-through.

Drainage was discussed. There is a stormwater pond on the west end of the property. Maslow has never seen this get full. Other drainage goes to the east and

into the ditch along Highway 78. The added impervious should not cause any additional drainage concerns as there is enough in place on the property to keep the water on-site or moving where it needs to go.

Planning commission when through the Findings of Fact:

1. **Is it reasonable?** The Planning Commission members agreed that it is reasonable.
2. **Unique Circumstances:** It is unique due to several reasons – stormwater can be accommodated, MnDOT will not allow another approach and it has much more pervious space than the property to the south.
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 upgrade?** It is a private septic system, and the prospective owner will be working with the County on the requirements needed, if any.
9. **Are there conditions that should be imposed in granting the variance?** No

Seufert made a motion to recommend approval to the City Council. Everts seconded. MCU Maslow abstained from the vote.

Adjourn 7:35 p.m.

Valerie Martin, Zoning Officer/Secretary