

Planning and Zoning Commission

Thursday, February 9, 2023 → AS AMENDED AND APPROVED MARCH 9, 2023

I. Call to Order at 7 PM by Chair Wendy Phillips

II. Roll Call:

Present: Commissioners: Wendy Phillips, Chair; Kathy Brandt-Rucker, Vice Chair; Colleen Fried, Secretary; Jim Phillips; Jim Richards; Scott Sorenson

Staff: Sunny Bjorklund Schultz, City Administrator; Joe Palen, Consulting City Engineer, Stantec

Absent: None

III. Approval of Agenda

- a. Motion by: Jim P
- b. Second by: Jim R
- c. Vote: Unanimous

IV. Approval of Minutes for December 8th

- a. Motion by: Kathy
- b. Second by: Jim P
- c. Vote: 5 for, 1 abstained (Wendy missed the meeting)

V. Approval of Minutes for January

- a. Motion by: Jim R
- b. Second by: Jim P
- c. Vote: 5 for, 1 abstained (Kathy missed the meeting)

VI. Public Hearing

Re: Proposed Lot Split: Tilly's Restaurant and RV Park

Applicant: Mark Kuehn, represented by Brad Vriese of G-cubed Engineering

- a. Open Public Hearing by Chair Wendy Phillips at 7:05 PM
- b. Public Comment

Brad Vriese of G-Cubed: Mark would like to get the lots split so that Tilly's can be sold. There is a contract for sale, and as part of the sale Oronoco Enterprises has agreed to pay for the hook-up into the sewer for Tilly's. The restaurant business will be Tilly's Oronoco, LLC and the RV park will remain Tilly's RV Park. Both have their own water meters. There is a shed on the proposed RV lot and it is 12-feet from the lot line in the RV Park, so it meets the zoning requirements.

- c. Close Public Hearing by Chair Wendy Phillips at 7:13 PM
- d. Planner's Report

Joe Palen

1. Conditions for lot split:

- The applicant shall enter into an easement agreement with the City of Oronoco for 10-foot-wide drainage and utility easements along the west and south lot lines of the property and submit a revised certificate of survey with these easements and easements language, to be reviewed and approved by the City Engineer, prior to the City recording the lot split with the County Recorder.

Mark Kuehn: There is some sort of an easement already existing on the property – BEVCOMM, People’s Coop, etc. Joe: There is a template in Stantec’s report that will work for the legal document to meet this condition.

- The applicant shall verify on the revised survey the location of the existing buildings on the property and that they meet the required setbacks noted in the Planner’s report of February 9, 2023.

Brad: The engineering study by G-cubed Engineering indicates the shed is located an appropriate distance from the property line and will meet this condition.

- The applicant shall verify that the existing water service on the restaurant parcel for the RV campground is within the proposed 66-foot-wide ingress/egress and utility easement or revise the easement with the review and approval of the City Engineer.

The water line is not within the easement, so the current owner will grant a utility easement to Tilly’s Oronoco, LLC for access to the water line should they need to repair

2. Findings of fact:

- The owner of the property at 1175 Lake Shady Avenue South proposes to split the property into two parcels, as depicted on the certificate of survey from G-Cubed Engineering Surveying Planning, dated 11/30/22.
- Oronoco city code requirements in Section 151.002 require parcels resulting from a lot split to meet minimum lot size and setbacks, to have access to public streets, and to consider impacts on neighboring properties.
- The property is currently zoned B-2 Highway Commercial. Minimum required lot size is 20,000 square feet. Required front setback is 15 feet, side setback 0 (zero) feet, and side setback 10 feet.
- The proposed Parcel A and Parcel B are 1.29 acres and 4.28 acres in size, respectively, according to the submitted survey, both meeting the minimum lot size requirement.
- The certificate of survey appears to show that the existing restaurant building and shed on the property would meet the required setbacks, which will be verified with a revised survey.
- Each of the lots resulting from the lot split will have frontage and access on Lake Shady Avenue South, a public street, as well as an ingress/egress easement for cross access between the parcels.
- There is an existing underground water service on the restaurant parcel serving the RV campground parcel. The location of this service is to be verified by survey or the easement modified with the review and approval of the City Engineer.
- The proposed lot split does not change the uses on the property and there would not be any negative impacts to surrounding properties as a direct result of the lot split.

- The City of Oronoco needs easements on the property to provide water and sewer service to the property and neighboring properties. Requesting 10-foot-wide drainage and utility easements is necessary and reasonable in conjunction with this lot split.

The relevant parts of the Oronoco code dealing with lot splits can be found in §151.002, and the requirements include:

- A registered survey of the proposed lot split, which was included with the application
- The lots must meet minimum size and setbacks
 - Minimum lot size is 20,000 sq feet (~1/2 acre). The two lots will be 1.29 acres and 4.28 acres
 - Front setback is 15 ft, and the proposed lot split does not impact this
 - Side setback is 0 ft
 - Rear setback is 10 ft, and the shed on the RV lot is 12 feet from the property line
- P&Z should consider the impacts on adjacent owners but since the uses of the property(s) will not change with the lot split, there will be no change in impact
- Each lot must have access to a public street. Each lot has access to Lake Shady Avenue, and there is a proposed easement over Tilly's restaurant parcel that will allow cross access between the parcels.

e. Commissioner Discussion and Recommendation

Kathy – it seems like the three conditions will be met.

Motion to recommend approval of the lot split: Scott

Second by: Jim P

Vote: Unanimous in favor

This recommendation will be forwarded to the council for final approval at their February meeting

VII. New Business

a. Candidate Interviews

Christa Keehr – native of Rochester, has been in Oronoco for 10 years. She is a mom with two kids (15 and 10). Her career started at Mayo, and she is now with OMC. Skills: organized, active in community, on the Board of Directors for Brighter Tomorrows. What interests you the most – Christa is exciting to see all the things that are happening, and that there are lots of opportunities for growth and bringing in more commerce. She likes working on maps, planning and code. Challenges she foresees: balancing the needs and desires of current homeowners with others who may want to come in. Balancing the needs of folks on both sides of the highway. We will need to make hard decisions that will disappoint some people you can lessen the disappointment by making sure everyone has a voice. P&Z and Council need to make sure we have open lines of communication and that foster discussions. Partnership with the CEDA and Planning

and Zoning is going to be the most important, but the final authority to make decisions needs to rest with the elected officials of Oronoco.

Paul Pendergrass – has been in Oronoco for over 30 years, and has previously served on council and on P & Z. He has 5 kids and lives just down the street from City Hall down the street. What interests you the most – Paul is excited about the water and sewer, and the opportunities these open up; it is time for the city to grow with the rest of the area. Challenges exist with that growth, for example, Pine Islands “bridge to nowhere.” P&Z and council need to make sure that any development plans are reasonable, and they will not place an extra burden on the community if they fail to blossom. We need to hold people to the decisions that were made in the FLUP. We need to keep moving on the plans we have made.

Jim P: Table this decision deliberation to the March meeting. Second by Scott Dana Bergner reminded Commissioners that we cannot discuss the applicants outside of the meeting – it will be tabled until the March meeting
Unanimous

VIII. Old Business

- a. Continue discussion of previous city materials (FLUP, PPT, 2016 Study, etc) and determine what information may need updating or is missing.
Could we take one of the documents at a time?
Can we have a list of the resources, studies, etc.? Can we all have access to them or have them so that we are all working together from the same baseline.
Should we have a workshop to go over these? We should also have a list of common definitions for zoning plans.
- b. Update on code revisions
 1. Separating zoning matters from administrative matters within the City Code (Kathy/Sunny). We have thousands of lines of code out on the web. Kathy has been working to get it all into a single document. Once that is out there, we need to separate the forward-thinking parts of the code for Planning and Zoning, and the enforcement which is for council.
Thank you, Kathy!
 2. Determining recommendations and potentially drafting new code for updating the minimum lot requirements in Oronoco
- c. Continue discussion of ROW issues: responsibility for tree trimming, grass, and weed maintenance
This would be an ordinance. If a tree overhang is causing a hazard, the city must take care of it.
What can you do in the ROW, and who is responsible for the ROW. Scott: I have someone at the county who says you own the land up to the road. Jim R and others: The city controls the ROW. The ROW is for the public – public road. ROW and easements are different. An easement is a recorded document, ROW are put in the plats – the right to pass through.

The fee schedule will be coming to council the next meeting.

Fees – are we collecting sufficient fees from applicants to cover the fees from Stantec. We also want to make sure that we are not paying Stantec for full engineering fees, and requiring the applicants to also pay for their own engineer. Perhaps Stantec could just review the private engineer's plan. We need a developer escrow agreement that can be used to pay off the fees that accumulate in reviewing the submitted materials.

Sunny: Kudos to the City's Engineer, Planner, and Lawyer for referring residents to City Hall to get their questions answered. We do need our city's consultants to review the materials so that the plans are meeting the city's requirements and to protect the city, it is about risk management, but we also need to use the resources wisely. Sunny can be a liaison between the applicant and the city engineer.

Paul P. – can there be a checklist developed. Sunny – all our applications have a checklist and a flowchart.

d. Update RFP for Planning Services

Sunny will have this for us at the next meeting

IX. Adjournment Jim P/Scott at 8:55 PM