

City of Oronoco
Thursday, June 8, 2023
P&Z Zoom & In-person Meeting
6:30 p.m. CST

<https://us02web.zoom.us/j/83888954235>

REGULAR MEETING

I. CALL TO ORDER (by Wendy Phillips, Chair at 6:30 p.m.)

II. ROLL CALL

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

Absent: Commissioner Scott Sorenson

Staff present: City Administrator Sunny Bjorklund Schultz

III. APPROVAL OF AGENDA (as is or as amended) M: ___R___ 2nd: ___JP___ Vote: ___U___

Wendy recommended that we move approval of minutes up to item IV.

Motion by Jim Richards, second by Jim Phillips:

Approve the amended agenda, moving “APPROVAL OF MINUTES” to item IV.

All in favor

IV. APPROVAL OF MINUTES

Wendy offered an amendment to the minutes –Workshop #2 was cancelled and workshop #3 hasn’t been scheduled yet.

Motion by Paul, 2nd by Kathy to approve the minutes as amended

5 in favor, 1 abstain (Colleen not at May meeting)

V. PUBLIC HEARING (posted for 6:35 p.m. or shortly thereafter)

Re: Variance Application to City Code, Section 94.20: Curbs, Curb Cuts, and Driveways

Applicant: Kent Johnson at 630 5th Street NW, Oronoco

Applicant would like to add a second driveway off 5th street NW for their property at 630 5th St NW. The second driveway would go to a parking pad for a trailer. Ottman excavating and Arborist of Rochester have been consulted about the project.

1. Open Public Hearing at 6:35 PM by Wendy Phillips, Chair
2. Public Comment

Applicant Kent Johnson noted that his septic tanks are located under the area proposed by Phil Carlson’s City Planner’s report

3. Close Public Hearing at 6:40 PM by Wendy Phillips, Chair after three calls for comment.
4. Planner’s Report
Sunny read Phil Carlson’s (consulting city planner) report
Phil recommends denying the variance

Findings of fact for denial:

- 1) City Code in Section 94.20 allows one driveway access per single family lot unless a variance is granted for a second driveway.
 - 2) The property at 630 5th St NW has a single-family home and two detached garages served by a single driveway access to 5th St NW.
 - 3) The owner wishes to add a second driveway onto 5th St NW to provide parking space for a trailer
 - 4) There appears to be adequate space on the property to construct the needed parking pad without needed a second driveway. There do not appear to be practical difficulties in meeting the ordinance.
 - 5) If there are challenges to building another parking space on the property, the owner still has reasonable use of the property with a house, two garages, and room to park several vehicles on the lot without needing a second driveway or an additional parking space.
 - 6) The request would alter somewhat the essential character of the area by adding a second driveway about 100 feet from the existing driveway on a segment of busy 5th St NW where there are very few driveways
 - 7) The request does not meet the criteria for approving a variance in Section 151.401.

“No variance in the provisions of requirements of this chapter shall be authorized by the City Council following a hearing before the Board of Adjustment unless the Council finds evidence that all the following facts and conditions exist.”

 - (1) There are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district;
 - (2) The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner;
 - (3) The variance is necessary to overcome practical difficulties in complying with the zoning ordinance so that the property can be used in a reasonable manner not permitted by the ordinance;
 - (4) The variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, and will not alter the essential character of the locality;
 - (5) The variance is in harmony with the general purpose and intent of the chapter; and
 - (6) The terms of the variance are consistent with the Comprehensive Plan.
5. Commission Discussion and Recommendation

Wendy thanked the applicant for letting the commissioners know that proposed location of the parking pad in Phil Carlson’s report sit on-top of the septic system. She has surveyed the property and did find that there were several unique aspects of the property that would seem to allow for the approval of the variance. In part, the owner would need to tear out landscaping. She asked Vice Chair Brandt-Rucker to evaluate the property, and to potentially prepare findings of fact that would allow approval of the variance.

Findings of fact for approval:

Finding 1 - the proposed variance is not for a prohibited use or breaking any code. Oronoco City code §94.20 allows for a second driveway if a variance is issued. Chapter 151.401 can be used to review a variance application request. This also meets the requirements of Chapter 72.07 Residential Parking which states residential parking “may occupy all or part of any required side or rear yard but shall not be located in the front yard, except in an established driveway.”

Finding 2 - There is an extraordinary condition due to the lot shape - it is irregular and shallow with exceptional topographical conditions. It is not a typical lot compared to others within the same class R-1 zoning that may be in a regular development or subdivision.

Finding 3 - the conditions are due to the uniqueness of the property and are not created by the landowner. Unlike a more standard lot, the unique shape makes it more difficult to maneuver behind

the existing garage to park a trailer. There is also not any alley access to the rear of the property due to the uniqueness.

Finding 4 - It is reasonable to be able to park a trailer on the property. Existing code allows parking on the side or a rear yard. The variance helps overcome practical difficulties in complying with parking on the side of the property.

Finding 5 - the proposed variance will not be materially detrimental to the public welfare or materially injurious to other property in the area and will not alter the essential character of the locality. The proposed driveway will not be in daily use but will be used periodically. The street in question previously had heavier traffic flow however due to the construction of the interchange on highway 52 that traffic decreased with the rerouting of highway 52/white bridge road traffic. Oronoco city traffic still continues however traffic no longer includes those coming from highway 52 and traveling east into Oronoco Township or towards Plainview. Periodic use of a second driveway for a trailer will not materially impact public welfare.

Finding 6 - the proposed variance will not negatively impact neighboring parcels property values or neighboring parcels best use.

Finding 7 - the proposed variance will not alter the essential character of the the locality. On the opposite side of 5th street NW and slightly to the east there is a non-residence/shed that has multiple driveway access located at approximately 325 5th St NW.

Finding 8 - the proposed variance for an additional driveway will not create excessive burdens on existing parks, schools, streets, parking supply, and other public facilities. There is currently no parking on the existing street so no parking spots will be reduced. A single no parking sign will need to be moved.

Finding 9 - the proposed variance will increase the ability to access new hydrant and applicant indicates it will be possible for him to more easily keep it clear of snow in the winter.

Finding 10 - The variance request is in harmony with the general purposes and intent of this chapter and does not have any conflicts with the Comprehensive Plan.

Paul: The property is also not impacted by any covenant or deed restrictions.

Sunny: The Streets and Roads committee met the other day. Might the recommendation going to council have any impact on this? We talked about changing the traffic pattern on Minnesota Ave, and that it will increase the traffic on 5th Ave. NW.

Jim R: My feeling is that we need to make this recommendation without that in place.

Wendy: Because that is something that has not been determined. It hasn't even been proposed to council, so it is impossible to even speculate on what might happen.

Sunny: Who will pay to move the No Parking sign?

Jim P/Kathy: Do we need No Parking signs, except for during Gold Rush?

Motion by Kathy 2nd: by Jim R.

Move that the Oronoco Planning & Zoning Commission recommend approval of the variance by Kent Johnson based on the findings of fact for approval above.

Unanimously approved.

VI. PUBLIC HEARING (posted for 6:40 p.m. or shortly thereafter)

Re: Ordinance Amendment to City Code, Section 151.054 regarding Allowable Size of Accessory Buildings in Residential Districts

1. Open Public Hearing at 7:13 PM by Wendy Phillips, Chair
2. Public Comment
3. Close Public Hearing at 7:14 PM by Wendy Phillips, Chair after three calls for comment.
4. *Proposed Ordinance 2023-02

Modification to §151.054 part B

Lot Size	Allowable Square Footage of All Combined Accessory Buildings	Maximum Number of Accessory Buildings Allowed
Less than 1 acre (<1)	1000 square feet or <5% of the total lot size, whichever is greater	2
1 to <4 acres	2178 square feet plus 2.5% of lot area over 1 acre	3
>4 acres	2178 square feet plus 2.5% of lot area over 1 acre or 7500 square feet, whichever is less	4

5. Commission Discussion and Recommendation
6. Motion by Jim Phillips to recommend that council adopt Ordinance 2023-02, 2nd by Jim R

All in favor

VII. *BUDGET REPORT – as of May 31, 2023

Sunny presented the current state of the budget. The revenue sides haven’t been set up for any of the departments, so the current spreadsheet does not show the revenue side of P&Z operations (application fees). The city is looking to purchase new software because the current software needs would need updated coding to pull the revenue into the different departments. Sunny and Ranae are reviewing the packages and expect to make a recommendation soon. Many of the packages are very familiar to Sunny, and all are user friendly compared to what we have.

SEH – Short Elliott Hendrickson Inc., an Engineering firm

Engineering Fees Budget - \$5000, Spent - \$3878 or 78%

Planning Services Budget - \$18,000, Spent \$4606 or 26%

SEH Budget - \$0, Spent - \$545

Other budget items: Planning & Zoning, Ordinance, Misc. total \$15,000 for budget.

Total Expenditures Budget - \$18,000, Spent - \$5151 or 29%

Note: Stantec is usually 60 days behind on billing, so this isn’t fully up-to-date

VIII. NEW BUSINESS

1. Wangsness –Application for Variance to City Code Section 94.20 to allow for second driveway
*Planner’s Report

ACTION: Set Public Hearing for July 13 at 6:35 p.m.

Jim P indicated that it looks like the garage was finished last fall, but the old garage hasn’t been removed. Last year’s variance to approve the construction of the new garage required that the old garage be removed within 30 days of finishing the new garage. Jim thought that perhaps winter weather was slowing the removal of the old garage, but it should be removed by now. Sunny indicated that the applicants hadn’t had the final building inspection, so perhaps the garage is not completed yet. As we move towards a hearing, the P&Z commission would like to know whether the garage is completed and that the removal of the old garage.

Notifications need to be sent out to property owners within 500’ or 300’ (which one is in effect?) in a timely manner. We also need to make a public announcement. Given the application was received in April, and we’ve already asked for a 60-day extension, we need to schedule a public hearing next month.

Motion by Kathy, 2nd by Paul to set a public hearing for 7/13 at 6:35.

All in favor.

Sunny would like to know how much information commissioners would like to have before the hearing. Last meeting it just seemed like we wanted to know what the conditions were for approval of the previous variance.

Jim P: Eventually, it would be nice to see everything related to the property.

Sunny: The files are slowly moving to county software and will eventually (long-term) be available by property.

2. Nelson/Schad Tracy – Application for Signs (2)

*Planner’s Report

ACTION: Approve or Deny, with or without conditions

Motion by Jim P, 2nd by Kathy to approve the Nelson/Schad Tracy application for signs with the conditions suggested in Phil Carlson’s report.

- The projecting sign be reduced in size to no more than 12 sq. ft. with no dimension exceeding 4 ft. The applicants agreed to have a 3’ x 4’ sign.
- The projecting sign will be adjusted in height so that its bottom edge is at least 9 feet above the ground. Again, the applicants agreed.

All in favor.

3. Presbyterian Church – Right-of-Way (ROW) consideration

The city has received two letters from members of the Presbyterian Church of Oronoco asking for help with the steep slope in the front of the church and the steps leading up the hill. Much of this sits within the city’s right-of-way.

Motion by Jim P and 2nd by Jim R – P&Z recommends that the city does not take on the land owner’s responsibilities for maintaining the property and the adjoining ROW.

All in favor.

IX. OLD BUSINESS

A. *RFP for Planning Services

Sunny has been tweaking the red areas

X. ADJOURNMENT

Motion by Jim R and 2nd by Jim P to adjourn at 8:41 PM

All in favor.