

**City of Oronoco**  
**Thursday, July 13, 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 Chair at 6:30 p.m.)

**II. ROLL CALL**

- Commissioner Wendy Phillips, Chair
- Commissioner Kathy Brandt-Rucker, Vice Chair
- Commissioner Colleen Fried, Secretary

- Commissioner Jim Richards
- Commissioner Jim Phillips
- Commissioner Scott Sorenson
- Commissioner Paul Pendergrass

**Staff present:**

- City Administrator Sunny Bjorklund Schultz

**III. APPROVAL OF AGENDA**

Wendy Phillips: motion to move the approval of the minutes from Agenda Item VI to agenda IV, move all other items down one number, and make this a permanent change, second by Jim Richards.

Kathy Brandt-Rucker: motion to add 2 conversations to the agenda, second by Jim Phillips:

1. Zoning considerations for the August 1<sup>st</sup> legalization of recreational marijuana use
2. Conversation about the FLUP

All in favor

**IV. APPROVAL OF MINUTES** M:   p   2<sup>nd</sup>:   jr   Vote:           

1. \*Minutes of June 8, 2023

Motion by Wendy Phillips and second by Jim Phillips to correct the minutes to include the exact wording read by the vice chair at the last meeting for the Findings of Fact in favor of approving the variance for the Variance Application to City Code, Section 94.20: Curbs, Curb Cuts, and Driveways by Applicant: Kent Johnson at 630 5<sup>th</sup> Street NW, Oronoco:

**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.

\*denotes an attachment is included in the agenda packet

**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.

Motion by Kathy Brandt-Rucker with a second by Jim Richards to amend “Kathy’s findings of fact” to “Findings of Fact for Approval by Commission”, and “findings of fact (Kathy’s) above.” to “findings of fact for approval.” in Item V.

All in favor of the minutes as amended.

## V. PUBLIC HEARING

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

Applicant: Jeff Wangsness at 95 5<sup>th</sup> Street SW, Oronoco

1. Open Public Hearing (by Chair at 6:39 p.m.)
2. Public Comment

Jeff Wangsness: We are moving ahead with the project, more slowly than we intended as some mark-ups on the blueprints didn’t make it back to the builder. As such, the building inspector required additional work to be completed before final approval of the finished project can be granted. The garage should be completed in approximately two weeks. We would now like to have a driveway access to the new garage and to remove the old driveway.

There was a commissioner question about whether there were any legal time constraints on finishing the project (i.e.: does the project have to be completed within a certain amount of time). The only time constraint is the one set as a condition of the approval of the variance for the construction of the garage that the old garage be torn down within three months of finishing construction of the new garage.

3. Close Public Hearing (by Chair after three calls for comment at 6:45 p.m.)
4. \*Planner’s Report

Conditions for Approval:

1. The existing driveway serving the old garage will be removed.
2. All requirements of the city engineer will be followed.

Findings of Fact:

1. City code in section 94.20 allows one driveway per single family lot unless a variance is granted for a second driveway.
2. The property at 95 5<sup>th</sup> St SW has had two driveways for many years. The owner wishes to build a new garage to replace an older one on the property and received approval for the garage in 2022 with the condition that the old garage and driveway be removed.

\*denotes an attachment is included in the agenda packet

3. There are practical difficulties in meeting the ordinance, since the new garage requires a new driveway; it could not be served by either existing driveway.
  4. The request will not alter the essential character of the area.
  5. The request meets the intent of the Zoning Code and Comprehensive Plan.
  6. The request meets the criteria for approving a variance in Section 151.401.
5. Commission Discussion and Recommendation  
Motion to approve the variance with the conditions for approval found in the planner's report and based on the findings of fact provided by the planner by Jim Phillips with a second by Jim Richards.

All in favor

## VI. APPLICATION FOR STREET/R.O.W VACATION – Initial Discussion

Re: L.2, B.1, Woodland Hills 3rd

Applicant: Cedarpointe Partners LLC

1. Presentation: Project Overview  
Bill Tointon – Massey Engineering  
This is a preliminary request as we begin to develop the area. The vacated portion of the south right of way along Cedar Point Road will allow for the construction of a private service drive for deliveries to the proposed commercial development. The initial building will be a restaurant and a second commercial building will eventually be added to the lot.
2. \*Planning & Zoning Commission Briefing Document  
A question was raised about the 0.16 acres that are being requested in the vacation of the ROW, i.e., will the applicants pay the village, or will the village be asked to donate the land? Sunny Bjorklund Schultz noted that this proposal is somewhat different than other vacation proposals in that this is a commercial development which will increase the tax revenue for the village.
3. \*The Application for Street/Right-of-Way Vacation with supporting documentation was reviewed by the commissioners.
4. **ACTION: SET PUBLIC HEARING**  
A motion to set the public hearing for August 10 at 6:35 PM was made by Kathy Brandt-Rucker and seconded by Paul Pendergrass.

All in favor.

## VII. \*FINANCIAL REPORTS

1. \*Budget Comparison – YTD as of June 30, 2023, with PFY comparison  
We are currently about 50% of budget, but there may be some sewer project costs that are still mixed in with the reimbursable engineering costs.
2. \*Revenue/Expenditure Report – YTD as of June 30, 2023 (summary)  
Sunny is currently looking at all budget lines to make sure they are coded to the correct lines, and working to rectify anything that may be appearing in the wrong expenditure line. The county also needs to divide revenue into the different budgets. Right now, all revenue comes into the general budget and is not divided into individual budgets.
3. \*GL Report – YTD as of June 30, 2023 (detail)  
Are we going to recoup some of fees for the expanded garage project on 6<sup>th</sup> St SE that was abandoned. There was a check for \$250 which was rescinded. The city charges \$30 for a bounced check. The applicant has proposed paying \$30 to settle the account. Sunny is suggesting \$100 to help cover the work of staff, the planner, and the commission.

There was a question about whether there anything written up front that will tells applicants what the stopped check fee is. Could something be added to the application that they sign? There might be a

state statute we could use to help us with this.

Kathy Brandt-Rucker and Wendy Phillips will work on the RFP and bring it to the Commission next month.

There was discussion of follow-up on conditions applied to application approvals, for example, the gravel lot on Thompsons still needs to be paved.

The iWorks program would allow the city to track conditions and make sure that the people are following up on their obligations. In terms of software, staff are currently focused on finding a budget program that will work well for the whole team.

## VIII. NEW BUSINESS

1. Recreational Marijuana – the law is 300 pages long. It does allow cities to impose a moratorium, up to January 1, 2025, on the approval of facilities offering recreational marijuana for sale, or other zoning restrictions on marijuana facilities. The law does allow the restriction of the number of licenses granted based on the population of the city.  
On Aug. 1, 2023 recreational marijuana is legal. Each household can have up to eight plants, only four can be flowering. Each household can have up to 2 oz. of buds and 800 oz. of edibles. Dispensing can occur in a liquor store, a municipal recreational dispensary, or another licensed facility. Right now, the final practice law is not settled. Licenses will be issued by the state, but the state will work the city to ensure they are approved and that they are following any local zoning restrictions. The city can't ban the businesses but can impose reasonable restrictions (i.e. distance from schools, daycares, parks). We need something on the books. We cannot put a tax on it, the state will put the tax on it and split it amongst the cities that have dispensaries. Cities with approved facilities will be required to perform compliance checks.  
In order to impose a moratorium on approving the placement of a marijuana business, the city will need to be actively studying the issue, authorizing a study, and/or holding a public hearing. Motion by JP to hold a public hearing, second by Kathy, to schedule a public hearing on an interim moratorium on the sale of marijuana at 6:40 PM on August 10, 2023. The wording is:  
The Planning and Zoning Commission recommends that the Oronoco City Council adopts a temporary interim moratorium prohibiting the sale, manufacture, or distribution of cannabis while further study is conducted with the moratorium to expire January 1, 2025.
2. FLUP: road closures from the sewer project have created problems in emergency response time. This demonstrates that the city needs more redundancy built in. In terms of the FLUP, there seems to be no city owned property to be developed on the west side of 52. For example, do we want/need an auxiliary fire station on the west side of 52? The city needs to consider buying land for future needs. The P&Z commission should make a list, check it twice, be ready to make recommendations for changes to the FLUP.  
Sunny Bjorklund Schultz noted that the EDA, Council, and P&Z need to be driving this discussion.

To add to future discussions:

1. Sewer and Water Committee is putting another project on the Planning and Zoning Commission: households hooking up to the sewer system will need to disable their septic systems within 12 months of hook-up.
2. On the to do list: Examine the applications and see if there is anything that should be modified.

## IX. OLD BUSINESS

1. \*RFP for Planning Services – currently not available for review

## X. ADJOURNMENT

Motion by Jim Phillips, 2<sup>nd</sup> by Scott Sorenson, the meeting adjourned at 8:27 p.m. by unanimous vote.

