

PLANNING AND ZONING COMMISSION

4:00 P.M.

Wednesday, April 3, 2024

Present: Steve VanHouse
Richard DeRosier
Nelson French
Wade LeBlanc
Mike Johnson

Tim Costley, City Attorney
Matthew Johnson, Lake County HRA
Ruth Koepke
Debora M. Johnson
Marcia Oates
Faron Meeks
Carolyn Hudyma

VanHouse called the meeting to order at 4:22 p.m.

Agenda – Motion by LeBlanc, second French to approve the Agenda. MOTION CARRIED.

Approval of Minutes- Motion by French, second DeRosier to approve February 7, 2024 regular meeting and March 13, 2024 Special meeting minutes. MOTION CARRIED.

Zoning Administrators Report – None at this time.

Communications –

Rock Island Correspondence- Mayor LeBlanc will discuss with Planning & Zoning Administrator, when he returns.

OLD BUSINESS

Chair VanHouse is the current owner of property requesting variance and stated he will be abstaining from commenting and voting to prevent any real or perceived potential conflict of interest.

Council Member DeRosier, stated as Chair of the Lake County HRA Board, he will also abstain from comments and voting to prevent any real or perceived potential conflict of interest.

Accept or Deny Zoning Amendment to 1210.06 (HB) Highway Business Commercial. Subd. 3.A. to read as follows: Subd. 3 Uses Allowed by a Conditional Use Permit

A. All uses identified as Conditional Uses in the R-1 and SC District and Permitted Uses in the R-2 District-

Public hearing was held prior to the meeting on the proposed revisions. City Attorney stated the language should have been drafted this way originally and the amendment is right for the city. There was no further discussion. Motion by LeBlanc, second French to make recommendation to City Council to accept amendment to 1210.06 (HB) Highway Business Commercial. Subd. 3.A. to read as follows: Subd. 3 Uses Allowed by a Conditional Use Permit, A. All uses identified as Conditional Uses in the R-1 and SC District and Permitted Uses in the R-2 District. MOTION CARRIED with VanHouse and DeRosier abstaining.

Before moving to discussion on the Variance requests, the City Attorney explained to the Commission the standard of variance called "Practical Difficulties", the elements to practical difficulties for determining the acceptance or denial of the variance application, including: is the variance request reasonable; is there anything unique about the property that will require or justify the issuance of the variance; if a variance were granted, does it alter the essential character of the neighborhood; is it consistent with the Comprehensive Plan; and is the variance in harmony with the purpose and intent of the code.

There was discussion regarding combining the two variances and proceed to conditional use permit request.

Accept or Deny Variance Request from Steve VanHouse Regarding a Lot Subdivision of Parcel #22-7470-10352 into Two Parcels- The Lake County Housing and Redevelopment Authority currently owns Silverpointe Apartments and are working with D.W. Jones to build a second building called Silverpointe II apartments and they are requesting to acquire approximately ¼ acre of parcel #22-7470-10352 (Split B). Split B is located in the HB Zone and requires a variance for two reasons; Split B would not have the required 100-foot minimum lot frontage and Split B would be approximately 11,000 square feet, which falls short of the minimum 15,000 square foot minimum lot area in the HB Zone. Motion by LeBlanc, second French to recommend to Council the approval of variance request by Steve VanHouse to subdivide Parcel #22-7470-10352 into two parcels. MOTION CARRIED with VanHouse and DeRosier abstaining.

Accept or Deny Variance Request from Lake County Housing and Redevelopment Authority (LCHRA) Regarding a Lot Subdivision of Parcel #22-7470-10355 into Two Parcels and a Variance from the Height Restriction to 42 Feet at its Peak- The Lake County Housing and Redevelopment Authority (LCHRA) currently owns Silverpointe Apartments, located on #22-7470-10355, and are working with D.W. Jones to build Silverpointe II apartments on the vacant portion of parcel #22-7470-10355, (Split A). LCHRA is purchasing ¼ acre from Steve VanHouse. Split A is located in the R-2 Zone and requires a variance for two reasons: Split A would not have the required 60-foot lot minimum lot frontage and Silverpointe II is proposed to be a three-story building with a maximum height of 42 feet, which exceeds the City's 35-foot height

standard. Motion by LeBlanc, second French to recommend to Council the approval of variance request by the Lake County Housing and Redevelopment Authority to subdivide Parcel #22-7470-10355 into two parcels and allow the development of a three story apartment building to a maximum height of 42 feet at its peak. MOTION CARRIED with VanHouse and DeRosier abstaining.

LeBlanc expressed his vote to recommend approval of the variance requests because it meets the comprehensive plan, is consistent with neighborhood being next to existing apartment building, meets the housing need for the city, and feels it is a great project.

French expressed his vote to recommend approval of the variance requests because it meets the comprehensive plan, works with the adjacent apartment building in the neighborhood, great way to solve the housing needs for the city, and also feels it is a great project.

Johnson expressed his vote to recommend approval of the variance requests because it meets the housing need for the city, fits with the comprehensive plan, solves some code issues within the zoning plan, and feels it is a great project for the City.

VanHouse asked if there any other comments or questions. No additional comments.

Before moving to discussion on the Conditional Use request from the Lake County Housing and Redevelopment Authority, the City Attorney explained to the Commission the standard of determining the acceptance or denial of the conditional use application includes: does the use conform with the land and comprehensive plan of the City; is it compatible with the existing neighborhood; does it not impede the normal and orderly development in the surrounding area; and is the location and characteristic of proposed use consistent with the desirable pattern of development in the area.

Accept or Deny Conditional Use Request from Lake County Housing and Redevelopment Authority (LCHRA) to Develop a Multi-Family commercial Building in a (HB) Highway Business Commercial Zone-

LeBlanc stated the reason for voting in favor of the Conditional Use permit is that it meets the comprehensive plan, the location is compatible with existing neighborhood, and it does not impede the normal development in the surrounding area.

French stated the reason for voting in favor of the Conditional Use permit is that it meets the comprehensive plan, the vision for the City, will not impede normal development, and will be an improvement for the City.

Johnson stated the reason for voting in favor of the Conditional Use permit is that it meets the comprehensive plan, housing is needed, and it will be adding to the adjacent development.

VanHouse asked for any comments or questions.

Matthew Johnson, stated the current plan is to combine the property and lot splits into one parcel, for the purpose of paying property taxes and for the development of a TIF district within the city. He further addressed the experience of the developer, D.W. Jones, the multiple number of properties they currently own similar to this proposed project, to provide a list of properties and possibly arrange for site viewing, if desired. Discussion continued on the funding application to the State of MN, the challenges of the application, and his appreciation to the City for their support.

Carolyn Hudyma asked if the Lake County HRA will own the new Silverpointe II. Johnson stated yes it will be owned by HRA.

Marcia Oates questioned the timeline of project. Johnson stated grant request is due by April 31st, potential award notification in August, and if awarded construction would expect to start July 2025.

Faron Meeks requests that HRA work with adjacent land and business owners and use local resources as much as possible.

The City Attorney reported on the purpose of the Conditional Use permit being a requirement of the Zoning Code and recommends the the smaller and more northern parcel of the VanHouse parcel split be merged with the Lake County HRA parcel Split B to form one parcel and provide public access thru the property.

Motion by LeBlanc, second French to recommend to Council to approve a Conditional Use Permit to Lake County Housing and Redevelopment Authority, for the development of a three-story apartment building for workforce housing, with a condition that they combine the new smaller northern portion of the VanHouse parcel split with the Lake County HRA property Split B to create one parcel and provide public access thru property. MOTION CARRIED with VanHouse and DeRosier abstaining.

NEW BUSINESS – none at this time.

Motion by LeBlanc, second French to adjourn at 4:50 p.m. MOTION CARRIED.

Minutes taken by Lisa Christenson