

**Planning Commission
Minutes
Regular Meeting
June 13, 2017**

1. Call to Order

Chair Rotty called the meeting to order at 7:00 p.m.

Members Present: Rotty, Bjorge, Rich

Members Absent: Franceschelli, Kuyper

Also Present: Tony Wippler, Planning Manager

2. Approval of Minutes

- a. **MOTON** by Bjorge, second by Rich to approve the minutes of May 9, 2017. **APIF, MOTION CARRIED.**

3. Public Hearings – Chair Rotty opened the public hearings

a. Conditional Use Permit Application to Allow an Auto Sales Use within the B-1 Zoning District

The applicant is Tara Fonseca and the location is 923 8th Street, Towns Edge Mall. She is requesting a conditional use permit to allow auto sales. They would like to occupy an office within the building to allow for internet sales of autos. The owner of the property has allocated five parking stalls on the southern end of the property to show vehicles. It will not directly impact parking in the front of the building. The use does meet the six requirements of a conditional use permit. There are three conditions for approval:

1. The applicant obtains all necessary building permits.
2. A sign permit is applied for any external signage that may be placed on the premises.
3. Other conditions as may be recommended by the Planning Commission.

Ms. Mary Christensen, 10th Street, stated adding another used car business along TH3 is too much. People come to town to shop. As existing businesses are in the area, it would pose unfair competition to add another one. Planning is putting things in property places, not adding used car business after used car business with four of them in less than a quarter of a mile. She is not in favor of this. It will not improve the business in town. She understood there is also a new restaurant starting in that area and didn't know how this would affect that. Also, in the shopping center, she was of the understanding the owner said there would be various shops in there. Neither the Planning Commission nor staff have received a list of proposed businesses. Ms. Christensen felt this is not adding to the glamour of Farmington. Rosemount and Lakeville do not have used car places within the town and they are doing fine with other shops. She is not in favor of this.

Ms. Robyn Craig, 20747 Dyers Pass, agreed with Ms. Christensen and felt this needs more information from the new owners of the mall and what their overall plans are before we make decisions about this. She agreed that this is not appropriate for this location and this space can be used for many more things that could be beneficial for the town and its growth. She would like more clarity on what the mall owner wants to do with the rest of

the mall and find out more details that we don't have at this time. A decision should not be made tonight until we have more information. She asked if this will be forwarded to the City Council. Chair Rotty explained a conditional use permit decision is made by the Planning Commission. It can be appealed to the City Council. Ms. Craig felt it would be better if we had more information before making a decision.

Ms. Shirley Wood, 816 Maple Street, was not in favor of it because there are already four car dealerships within three blocks of their home. She would like the commission to consider that.

Mr. Roger Wood, 816 Maple Street, was not in favor of this because some of the surrounding towns, like Rosemount, have zero car lots. There must be a reason why they are keeping them out. That is why he is against it.

Commissioner Bjorge stated she was torn on this because this is why we have comp plans to help guide us as a commission and the City Council on proper uses. This is tricky because there is different zoning around it. She agreed with what is the highest and best use of a certain property. Part of the reason she is on this commission is to build Farmington toward the direction where she can raise her young family and retire here. Used car lots don't do that for her and certain other retail businesses do. If there was an opportunity for other businesses to be in this building, they would be here tonight or already have leased if they did not need a conditional use rather than the business that is in front of us. That brings us to the question of are there other opportunities and is there more information to gather. Staff explained we don't have further information and it is up to the property owner to fill that space. They have to look at what uses are allowed, whether permitted or conditional. We don't have control over that; it is up to the property owner. Commissioner Bjorge noted in looking at the layout there is opportunity for additional businesses. This doesn't box out a lot of other retail businesses. Staff stated the intent is to have office space to sell vehicles over the internet. It is a startup business and they do need a dealer license which requires them to go through the auto sales use. The main use is office work. Commissioner Bjorge asked if this is a space they want to grow into. Staff felt this is a space they will grow out of. Growth would probably not be past five parking stalls.

Commissioner Rich asked if there are any businesses for which we have a quota. Staff replied no, we just have specific zoning districts. He is hearing people say we don't need more used car dealers. He is not sure what the basis for that is. At intersections we commonly have multiple gas stations and we don't say it will hurt the business of one gas station if we allow another one in. Usually the opposite is true, as there is a synergy to having similar businesses located within proximity of each other. If we think used car dealers are unsavory, that may be another matter. If we want to be an elite community we can find ways to keep them out. The object of this commission, unlike the Economic Development Authority, is not to go out and recruit the businesses we would like to see here. We are a reactive commission that says whether or not they fit within the guidelines of our zoning and permits. There are some unanswered questions. Is this a new business or existing. Staff explained it is a new business. Commissioner Rich stated

he does not see where they will prepare and stage vehicles. If they can show five vehicles on the property, where is their inventory going to be? Staff assumed it would be a very small inventory. Commissioner Rich stated any used car dealer has to have some place to prepare the vehicles. Those are the questions he would be interested in knowing about. Has the property owner become fully apprised of what would be required to run this business and are they in harmony with that. Staff explained there currently is an auto sales use within the building, J&R Wholesale. They display vehicles from time to time. It has been there for a number of years. Commissioner Rich found it hard to see a compelling reason why a business that wants to start, we would say we don't have room for them if the property owner wants to make room for them and they fit within our guidelines. He would have to see more persuasion that this doesn't fit the conditional use permit rather than it is not desirable.

Chair Rotty stated it is not often when we have a public hearing and don't have an applicant or property owner to address these questions. We had a number of residents that spoke out against something and there is no one here to answer questions or say why this might work. He agreed with Commissioner Rich, just because we don't like a business, unless it does not meet the ordinance, we have to look at it that way. We can't say no because we don't like the business. We are short two commission members tonight. He noted cars will be parked on the southern border. We had a very similar discussion a few years ago with another location and how many is too many. We circled it and it was approved. It must be an area for car dealers with the traffic on TH3. Chair Rotty asked if the gas station utilizes that area on the south side. Staff explained they do. Chair Rotty asked what is the thought process there and the traffic flow. Residents have mentioned there will be a restaurant going in there, so do we know what the traffic flow might be? Will they cut off the access on CSAH 50? Staff stated they can't cut off that access. We don't know exactly where they will show the cars. They will not have a garage to do work on cars. Chair Rotty stated if they want to wash or wax the car, where will that be done? Staff didn't know.

Commissioner Rich suggested continuing this public hearing to get these questions answered by the applicant. Chair Rotty noted there is also a dealer license that needs to be obtained from the state. If they don't get that license, this discussion is mute. Staff is not aware of any timelines. Chair Rotty explained to the audience what the commission is considering is not making a decision tonight, but reach out to the applicant to get answers to the questions. **MOTION** by Rich, second by Bjorge to continue the public hearing to the July 11, 2017, Planning Commission meeting. **APIF, MOTION CARRIED.**

b. Conditional Use Permit to Allow an Auto Repair, Major Use within the B-3 Zoning District

The applicant is Oleg Vdovchenko and the location is 315 Pine Street. The property owner is Bill Sauber. The parcel consists of two lots totaling .94 acres. There is an existing building on the site and the applicant will utilize the building. The business will be repair of vehicles, including rebuilding and reconditioning of engines, body work, frame work, welding and major painting. He would also be selling vehicles from the

property which are the ones he is repairing. Auto sales in the B-3 zoning is a permitted use. He is proposing the addition of two overhead doors to the west and create a parking area on the west and north side of the building for storage of the vehicles on site. He is proposing the parking area as a gravel lot. The code requires any off street parking lot be surfaced with concrete or blacktop. The code requires a minimum non-paved area of at least 10 ft in width between the edge of the parking lot and property line. They are showing a setback of 5 ft, so that would have to be adjusted an additional 5 ft. There would also be parking in the right-of-way of Pine Street. Any off-street parking would have to be on their property, so parking in the right-of-way would have to be removed from the plan. The applicant is proposing the construction of two accessory shops towards the north end of the property. This would be done in the future. Accessory structures within the commercial district are a conditional use. The application does meet the six criteria of a conditional use permit. Approval is subject to four conditions:

1. The applicant obtains all necessary building permits
2. A sign permit is applied for and approved for any external signing
3. The proposed parking must be surfaced with concrete or bituminous and shall be setback a minimum of 10 ft from all property lines
4. Other conditions as may be recommended by the Planning Commission.

The real estate agent for the applicant stated this is a family business. He has an auto business, Diamond Sales, two blocks away which he sold. The new owner would be very pleased to have Mr. Vdovchenko open another business in the area.

Ms. Robyn Craig, 20747 Dyers Pass, stated this is close to the river, so when dealing with cars, are there conditions they would have to meet to prevent contamination, especially if building a future shop to the north. Staff stated there would be certain setbacks from the river and that would be part of the review. There wouldn't be anything additional. Currently it is a plumbing and heating service.

The real estate agent stated Mr. Vdovchenko was in that building previously. There was a phase 1 and 2 inspection done by the EPA on the old building and there were no issues. There was no damage to the environment. Past events should have some bearing on this.

Mr. Bill Sauber, owner of 315 Pine Street, stated his property does not go up to the river. The city owns 30 feet along the river on both lots.

Commissioner Rich assumes there are state or county licensing matters for repair shops concerning toxic chemicals, etc. So that would be addressed in that process. The property to the west is a vacant lot which is not part of this. There is another lot further to the west. Staff explained that is a small apartment building. Commissioner Rich noted the apartment has parking stalls in what we call the setback. Is that grandfathered? Staff did allow it in that instance because the property did not have off street parking and no room to get parking to the rear of the property. With the property we are discussing, they have ample room to have off-street parking. Commissioner Rich stated the area is already populated with many car repair businesses. He asked if this business is more in

the salvage side. Staff agreed they repair the cars and then sell them. Commissioner Rich did not see an issue with having this business in this location.

Commissioner Bjorge noted staff mentioned building upgrades. This is a conditional use because of the noise and traffic that would come with it. She asked what that process would look like if there are issues with hours, noise, lighting, etc. Staff explained they would be addressed through the conditional use permit by the Planning Commission. There were never any concerns with the applicant's previous business. If the commission is concerned, this would be the time to address them. The upgrades referred to upgrading the building. Commissioner Bjorge asked if there were plans to go from gravel to cement for the parking. Staff is not aware of any plans.

Chair Rotty asked about the hours of operation. They will be from 9 a.m. to 6 p.m. and a few Saturdays. Chair Rotty asked if there will be any lighting added. No one was aware of any plans. Chair Rotty stated they should make sure any lighting doesn't filter off the property. Regarding the gravel vs asphalt, it is in the code that gravel is not allowed, along with setbacks and no parking on the boulevard. Representatives of the applicant agreed with those conditions. **MOTION** by Bjorge, second by Rich to close the public hearing. **APIF, MOTION CARRIED. MOTION** by Bjorge, second by Rich to approve the conditional use permit with the four conditions. **APIF, MOTION CARRIED.**

c. Comprehensive Plan Amendments and Rezoning for a Portion of the Property Commonly Known as the Sayers Property

This is located at the northwest corner of CSAH 50 and Flagstaff Avenue, south of the Farmington High School. The applicant is Mr. Tim Giles, Giles Properties, Inc. The application is to rezone 24 acres of the Sayers property. The land use is currently agricultural and would be amended to low-medium residential and include the property in the city's MUSA area. The zoning would change from A-1 (agricultural) to R-2 (low-medium density residential) planned unit development. The area is surrounded by agricultural with some large single family lots to the north and northeast of the property as well as the high school to the north. There is single family and a mobile home park to the west which are in Lakeville. Mr. Giles would plat the property into 65 single family lots. It would have to be approved as a planned unit development because the gross density would be 2.7 units per acre; the R-2 typically requires a minimum of 3.5 units per acre. The property is located next to property which is already in the MUSA area. Water and sewer service are available from Flagstaff Avenue and the property has been stubbed with sanitary sewer at the northeast corner of the property. Staff is comfortable with incorporating this area into the MUSA area.

Staff recommended approval to amend the 2030 comp plan for 24 acres of the Sayers property from agricultural to low-medium density and include the property into the MUSA area. Staff also recommended approval of rezoning the 24 acres from A-1 to R-2 planned unit development.

Mr. David Christopherson, 20993 Flagstaff Avenue, owns the property to the north. His concern is what updates will be done on CSAH 50. When Flagstaff Avenue was paved, it created serious issues at the intersection of CSAH 50 and Flagstaff. There was a meeting a few years ago about that intersection, but nothing has been done. Right now, he does not shop in Farmington because it is so difficult to make a left turn onto CSAH 50. That will be a problem with this development. Another issue is when they paved Flagstaff the water table was changed considerably. Their sump pump runs 365 days a year. The speed will be another issue. Cars go by from 35 to 65 mph. Those are three issues he would like to see considered before a decision is made. He would like to see the property stay as designated in the current 2030 comp plan.

Chair Rotty asked about traffic control plans. Staff has not seen any plans. Mr. Christopherson stated Flagstaff is a city street. He would like to know where a city street is 55 mph and his house is setback 45 feet. A week ago, Farmington High School had five vehicle accidents in one day. This is something that should be considered.

Mr. Paul Dietzinger, 20970 Flagstaff Avenue, has experienced the same thing. He just pulled his sump pump out of his backyard which is used to drain his back and front yards all the way to the ditch. Traffic is horrendous. When they purchased the property, they looked at the 2030 comp plan and it was going to be agricultural for as long as they would be there. Now we are talking another 65 homes, another 140 cars on the street. With the high school they sit in their driveway for 15 minutes because they can't get out. His main concern is the traffic.

Chair Rotty asked about the water table. Mr. Dietzinger explained they raised the road and whoever put the road in did a horrible job. This is on both sides of the road. His yard is the lowest on his side of the road. On a rainy day on Flagstaff going north across from the high school, you can watch a river go down the middle of the road, collect all the water from the road and down one person's driveway, it goes into the ditch and into his backyard. The ditches were changed when they redid Flagstaff. They have no utilities out there except for gas. The commission was talking about sewer and water and the residents have not heard about any of that being out there. Cable TV stops a mile down the road. They would have to tear up the road to get that in. None of the residents want a development in the area.

Ms. Robin Dietzinger, 20970 Flagstaff Avenue, has a concern with putting that many homes that close to CSAH 50 and Flagstaff Avenue. During the school year, she has witnessed backups on Flagstaff to at least their house trying to come out of the high school going southbound. Many people will drive on the shoulder to get to the intersection so they can turn right onto CSAH 50 and then take a left on the next turnaround to go into town. The main road itself is so backed up with buses, cars, tractors. People get very impatient with the tractors. The current residents understand having tractors because it is an agricultural area. People who live in a neighborhood will not be as tolerant sitting behind a 5 mph tractor for a couple miles. People do pass on the double yellow line. There is a 35 mph zone by the high school which is ignored. She can't imagine putting 65 more houses through that area any time of the year. It is

difficult enough now before and after school for 30 minutes. People are not tolerant of the traffic now, without adding more homes. It is dangerous to put more traffic that close to CSAH 50 without intersection control at CSAH 50 and Flagstaff.

Ms. Ute Christopherson, 20993 Flagstaff Avenue, has the same concerns. Part of the water problem is a holding pond by the high school that was not there before. They never had water coming out of their sump pump in the middle of winter. You are building a community in the middle of farm fields. The community doesn't even go to the intersection of CSAH 50, you still have farm area all around it. Her other concern is the traffic. When the school was built they asked if the speed limit could be lower than 55 mph for safety. When she comes home, she has to be careful turning into her driveway as to when she turns on her turning signal, has to hit the brakes multiple times to let drivers behind her know she is turning at her driveway. That becomes an issue. Many times people go around her when there is traffic coming north on Flagstaff even though it is a no passing zone. People pass the tractors like they are standing still even though it is no passing. Some tractors take up the full road. If you add 70 homes, you are adding at least 100 cars that will travel that road. Going onto CSAH 50 from Flagstaff is dangerous. To get to Farmington, she goes north on Flagstaff because it is safer. You are bringing a community into an area that is farm land. They bought the property because it was a farm area.

Chair Rotty appreciated all the comments on traffic and that will be considered.

Commissioner Bjorge stated this seems odd in the middle of agricultural land. When other communities build out, what is their experience when they rezone and go from agricultural to residential? Do they rezone because of an interested developer or does the city say it makes sense to have this here. Staff stated it can happen both ways, it is a policy decision. She asked what the process is with the traffic concerns. Staff explained there would be a traffic study done with the platting of the property to identify if turn lanes are needed, etc. As far as the intersection of CSAH 50 and Flagstaff, the county will look at whether it is a signal or a roundabout or other improvements. The county looks at that when warrants are met, which is something like traffic counts. A development may trigger those warrants sooner. It would be up to the county as to whether it meets warrants for a signal. Commissioner Bjorge noted we would be adding a lot of cars so would we look at just the residential area or all of the homes and whether extra lanes are needed for them. Staff explained that would fall under the traffic study. Commissioner Bjorge stated it feels like a different change when looking at the comp plan. She asked about the timing. Staff stated Mr. Giles would like to get in the ground this year. Commissioner Bjorge asked staff if they were to write the comp plan, would you look at this part of the city because of the development in Lakeville and expected growth as something that may not make sense in the future. Staff stated that area will be reviewed in the process, but doesn't know right now what that area will look like. Commissioner Bjorge asked when moving something from agricultural to residential, what would be considered; the other surrounding neighborhoods, etc. Staff explained you look at what's around it and do you want to grow from internal city out or do we

want to grow from the outer borders in. Neither one is right or wrong. It will be a Council policy decision.

Ms. Robyn Craig, 20747 Dyers Pass, stated you have the people that own the property who made a contract where they could not sell within a certain time period and that would stop developers from coming to their door soliciting them to sell their property. Some of the farmers are now at the stage where they want to sell their property. So you are going to see more properties in this area wanting to be turned over to development. You will see things spring up in different areas. It is a choice the farmers are making to sell their property. The City Council has talked about rezoning this area and that it will become residential.

Commissioner Bjorge understood, but she did not want to create a picture that doesn't make sense for the city, but this may be the vision for the future.

Commissioner Rich stated on one hand this development is inevitable. Once the high school was built, we knew this area would develop over time. Development is an art. We don't live in a planned economy. You have to have an interested seller and developer. Whether this makes sense, he is wrestling with it for several reasons. These are things that have to be solved along the way and some of it can't be piece meal solved. The water issue for example, he doesn't know whether the retention ponds at the high school are the cause or there are other reasons. He does know that you never require public water to be handled on private property. Road projects are always supposed to handle their own water runoff and not divert it to private property. That concerns him that we developed Flagstaff and didn't properly study that. He sees no reason we should exacerbate it. Toward the argument the resident likes to see farms out the window, we don't control the adjoining property when we buy property. Commissioner Rich wonders if this developer will have future residents sign a pledge they won't complain about farm smells. He has been concerned about CSAH 50 and Flagstaff since he moved here. He asked the City Engineer at that time and was told there isn't a plan. So we put a high school there and never planned how to handle drivers of various experience and funneled them onto CSAH 50. The temporary dedicated left turn lane at that intersection was helpful, but it went away. With it not being a controlled intersection on the horizon, he found it difficult to encourage more development if that issue isn't going to be solved. There is that issue and the water. The deal breaker is what is the density requirements in R-1 and R-2. Staff stated R-1 is one unit up to 3.5 units and R-2 is 3.5 to 6 units. In the R-1 you have larger lots typically 70 ft wide and 10,000 square feet. Commissioner Rich stated approval of this necessitates that we would have to go with a planned unit development which would have smaller lots and higher density than the standard in R-2 now. Staff stated the lots would meet the requirements of R-2 as far as lot area and width. The issue is the dwelling units per acre would fall below the minimum requirements. Commissioner Rich stated if we approve this, we are approving a planned development that will go at this another way. Staff stated the planned unit development will be part of the platting process. Commissioner Rich stated that approval will be assumed. If we come back later and say you can't have the planned unit development, the developer will say it was likely when you approved this change. That is his main

concern; that they are asked to deviate this soon in the process from the normal requirements. Flagstaff should be solved, water should be solved, the intersection should be solved. Development is inevitable whether it is this property or others. The question is whether our piece meal approach with many different government units can solve this properly.

Chair Rotty stated it is a community comprehensive plan. Should we have some of those questions answered? He was not aware of the daily issues on Flagstaff such as the water. He is aware of the CSAH 50 and Flagstaff intersection. That will have to be resolved by the county. There is an issue with other utilities that make it more expensive. A part of the comp plan is transportation. He asked if that could be as detailed as addressing Flagstaff Avenue. Staff stated there will be discussion, but how in depth will be determined. Chair Rotty asked from a comp plan standpoint, if the City Council, Planning Commission and engineers could have some answers. If not, we will be going through this same thing every time. Maybe the community needs to look at the speed and slow it down. He agreed with what the commissioners said. This area will develop. If you think it will be this way forever, once the school came and the road was paved, it is an indication that other things will happen. He asked what is planned to the south. Staff stated Mr. Giles is not purchasing that. The intent was to keep it for commercial development. Chair Rotty stated there are some roads that serve well to businesses. Who knows when it will develop, but those things are discussed in the comp plan. In the comp plan process, it is not just the City Council and Planning Commission, we ask business owners and residents to join us and we do the planning process together. Staff added to the east, the land is guided for an industrial park. Chair Rotty had the same reservations seeing something unique to the comp plan, of slamming it through and our City Council having to react six days from now and residents saying they didn't know about it a week ago and don't like it. Chair Rotty suggested this be part of the comp plan discussion and bring in those interested and discuss Flagstaff so everyone is on the same page.

Ms. Robyn Craig stated she is taking notes and is planning on addressing this and bringing this information to the City Council. There needs to be further clarification between the Planning Commission and the City Council and what the plan is and talk about the roads. It seems we are disjointed and need to have a more synergistic approach. Chair Rotty stated this is new information and we all need to digest it whether the conversation happens during the comp plan or at a separate meeting.

Chair Rotty sensed from the commission that this will not be a favorable outcome. We can table it until our next meeting so more people are on the same page. Staff stated there is a 60-day time frame so we would have to get an extension. Chair Rotty stated he has been through this before with discussions outside of the comp plan that have been much louder. It is because things deviate from the comp plan. Chair Rotty asked staff for the options for the commission. Staff stated the commission can make a recommendation to approve or deny to the City Council. You could table it, but we are under the 60-day time frame to review and approve an application. Due to when this was submitted, we would have to get an extension from the applicant. If the 60 days expires, it is automatically approved. Commissioner Bjorge asked about a special meeting at the

end of the month. There would not be a Council meeting available in July. Commissioner Rich did not see where their questions could be answered in two weeks or a month. If he voted tonight he would not recommend it or table it. Chair Rotty noted tabling it would cause another issue. Therefore, the best thing is to not recommend approval. The City Council could approve it.

A representative of Giles Properties, with Probe Engineering, stated if there is a recommendation to deny, regarding a lot of the issues raised such as the traffic on Flagstaff, there is not a lot the developer can do. He can't put a signal at CSAH 50 and Flagstaff. If we are awaiting approval on a comp plan amendment for things like that, the developer would like to know when that will take place. He does have an end date where he has to close on the property.

Chair Rotty understood. A lot of issues need to be addressed. Commissioner Rich stated what is being asked is to amend the comp plan and rezone. The developer could have decided not to even try this. It is not like we are saying we like it or don't like it. It's that it doesn't fit with the existing uses and we are being asked to modify the plan outside of the normal sequence of doing that. That is not the same as coming in with it zoned properly and we like or don't like your particular development. That is not the issue here.

MOTION by Bjorge, second by Rotty to close the public hearing. **APIF, MOTION CARRIED.** **MOTION** by Rich, second by Bjorge to deny the amendment to the 2030 comprehensive plan and the rezoning from A-1 to R-2. **APIF, MOTION CARRIED.** Staff will prepare Findings of Fact and this will go to the City Council on June 19, 2017.

4. Discussion

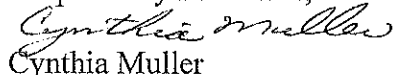
a) 2040 Comprehensive Plan Update

Mr. Jeff Miller, Hoisington Koegler, will be assisting staff with updating the 2040 comprehensive plan. Mr. Miller will be giving an update on the progress so far. The last comp plan amendment was in 2011 and the last full update was in 2008. State statute requires comprehensive plans be updated every ten years. Continued growth is expected over the next 20 years, but not as much as in the past. Mr. Miller outlined the six steps in the process. Work started in April and it is a one year process. There will be joint meetings with the City Council and several commissions and neighborhood meetings.

5. Adjourn

MOTION by Bjorge second by Rich to adjourn at 9:15 p.m. **APIF, MOTION CARRIED.**

Respectfully submitted,



Cynthia Muller

Administrative Assistant