

# PLANNING COMMISSION REGULAR MEETING MINUTES

MAY 24, 2016

PAGE 1

## I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on Tuesday, May 24, 2016. Vice Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners VanderWiel, Clements, Forester, Mele, and Freeman. Commissioner Henrie was absent. Also in attendance were Community Development Director Lindquist, Senior Planner Klatt, and Recording Secretary Roudebush.

The Pledge of Allegiance was said.

## Oath of Office:

Mayor Droste swore in John Mele to the Planning Commissioner.

**Additions to Agenda:** None

**Audience Input:** None

## Consent Agenda:

- a. Approval of the April 26, 2016 Meeting Minutes.

**MOTION** by Forester

**Second** by Clements

Ayes: 4. Nays: 0. Mele and Forester abstain as he was not in attendance.

## Public Hearing:

## RECESS REGULAR PLANNING COMMISSION MEETING AND OPEN BOARD OF APPEALS AND ADJUSTMENTS MEETING

**MOTION** by VanderWiel to recess planning commission meeting and open board of appeals and adjustments meeting.

**Second** by Forester

Ayes: 6. Nays: 0.

### 6.a. Request by Donald Flach to allow an addition to an existing non-conforming accessory building that exceeds the maximum size allowed in an R-1 Low Density Residential zoning district. (16-14-V).

Senior Planner Klatt summarized the staff report for the Planning Commission.

Chair Kenninger asked Planner Klatt to explain the Board of Appeals and Adjustments to the planning commission.

Commissioner Clements inquired if a building permit would still be needed if the property was if the property was zoned agriculture. Klatt stated it would have been required.

Commissioner Forester inquired if the approval limits the applicant in the future to add on to the building, or limits the number of appeals for a piece of property. Klatt stated there isn't a set amount.

Chair Kenninger inquired what would happen to the pole building if the property was subdivided. Klatt stated that most likely it would be removed, if subdivided.

Commissioner Clements inquired if the property was sold could the use remain Agricultural. Klatt confirmed that it could still be agricultural even if it is nonconforming, but the new owner can't change the use or expand the use. It is anticipated that the property will be subdivided in the future since it is within the urbanized area of the community.

# PLANNING COMMISSION REGULAR MEETING MINUTES

MAY 24, 2016

## PAGE 2

Commissioner VanderWiel inquired if the structure was damaged over 50% would they be allowed to rebuild. Klatt stated it would be allowed to be rebuilt up to the currently approved size. State law has changed regarding non-conformities.

The public hearing was opened at 6:57 pm.

Applicant Donald Flach, 2100 Bonaire Path, stated that he has no plans to construct any further additions. He believes that when he goes to sell it would be sold to a developer. The addition will only be used for agricultural use; to keep equipment out of neighbor's sight.

Public comments:

**MOTION** by Clements to close the public hearing.

**Second** by Freeman.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing was closed at 6:59 pm.

### Additional Comments:

Commissioner Forester inquired if there is a required setback from the water tower. Klatt stated there is not.

**Motion by Forester** to approve a variance to allow the construction of an 840 square foot addition to an existing accessory structure that exceeds the maximum accessory building size allowed in a R1 – Low Density Residential zoning district at 2100 Bonaire Path West.

**Second** by Clements.

Ayes: 6. Nays: 0. Motion Passes.

**MOTION** by Clements to recess board of appeals and adjustments meeting and reopen the planning commission meeting.

**Second** by Freeman

Ayes: 6. Nays: 0.

### CONTINUE REGULAR PLANNING COMMISSION MEETING AND CLOSE BOARD OF APPEALS AND ADJUSTMENTS MEETING

**6.b. Request by SKB Environmental to construct four buildings and related improvements to support a metals recycling operation on the subject property (16-16-PUD).**

This item has been continued to a future meeting due to an incomplete application.

**6.c. Request by Hardrives, Inc. to amend its current interim use permit (IUP) to increase the storage capacity at its existing asphalt blending production plant from 1.35 million gallons to 4.13 million gallons. (16-15-IUP).**

Senior Planner Klatt summarized the staff report for the Planning Commission.

Chair Kenninger clarified that they are amending the current Interim Use Permit and this is not a new request. Klatt confirmed that is correct.

Commissioner Mele inquired where the ponds are located. Klatt stated they are just north of 158<sup>th</sup> street.

Commissioner Forester inquired if this is the typical process to amend the IUP. Klatt stated that there is no limit on amendments but at a certain point the original IUP is no longer valid and a new application would be required. Forester also clarified that the change is needed to meet customer's requirements and demands.

# PLANNING COMMISSION REGULAR MEETING MINUTES

MAY 24, 2016

PAGE 3

Commissioner Clements inquired how the material would get to the site. Klatt stated that the product would be trucked in and the extra capacity would allow them to store more material and could reduce traffic.

Public Hearing opened at 7:16 pm

Kevin Gannon and Justin Black, Vice Presidents of Hardrives along with Katie Smore from Lincoln Associates and were on hand to answer questions.

Commissioner Forester asked the applicant to explain the process.

Gannon stated the need for additional storage would allow them to meet the needs at all their plants and the State which has changed their design for asphalt. The changes are two additional storage tanks and one letdown tank, otherwise footprint would remain the same as the original application.

Commissioner Freeman inquired about the timeline for phase two. Gannon stated they have no plans to complete phase two but did a plan for phase two now so they were only required to do one EAW.

Commissioner VanderWiel inquired if an EAW was done with the original application. Gannon stated that an EAW isn't needed if the tank is smaller than a million gallons. Lindquist also stated that an EIS was done on the whole mining operation, including the ancillary use area prior to the initial application from Dakota Aggregates for the whole site, not just the Hardrive's piece. .

Commissioner Forester inquired about the containment basin. Mr. Black stated that when capacity is over a million gallons they are required to have a secondary containment which is 110% of the largest tank.

Public comments: None

**MOTION** by VanderWiel to close the public hearing.

**Second** by Freeman.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing was closed at 7:24 pm.

**Additional Comments:** None

**Motion** by VanderWiel to recommend the City Council adopt a resolution to amend Hardrives, Incorporated's Interim Use Permit to increase the total liquid asphalt storage capacity allowed at the asphalt cement blending plant facility.

**Second** by Forester.

Ayes: 6. Nays: 0.

**Old Business:** None.

**New Business:** None.

**Reports:** Community Development Director Lindquist noted the two neighborhood meetings that are coming up.

**Adjournment:** There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 7:32 p.m.

Respectfully submitted,

Amy Roudebush, Recording Secretary