

**CITY OF SAINT PETER
OFFICIAL PROCEEDINGS – REGULAR MEETING
MINUTES OF THE PLANNING AND ZONING COMMISSION
Thursday, April 1, 2021 at 5:30 p.m.
Virtual Meeting via GoToMeeting Application**

The April 1, 2021 meeting of the Saint Peter Planning and Zoning Commission was called to order at 5:31 p.m. by Community Development Director Russ Wille. The Commission assembled virtually via the GoToMeeting platform.

Commission members Andrew Davis, Ken Rossow, Scott Fichtner and Shanon Nowell were in attendance. Members Ben Ranft, Brad DeVos and Joe Urban were not able to attend the meeting as scheduled. Community Development Director Russ Wille attended as committee administrator and Paul Tanis attended as the applicant for a variance.

Approval of Agenda

Wille noted that he was reminded by Rossow that Ben Ranft was to take his oath of office which has been added to the agenda. Motion by Nowell, seconded by Rossow to approve the meeting agenda with the addition of the oath of office. All voted in favor of the motion, the agenda was approved.

Approval of Meeting Minutes

Motion by Fichtner and seconded by Davis to approve the minutes of the February 4, 2021 Planning and Zoning Commission meeting as presented. All voted in favor of the motion, the minutes were approved as prepared and presented.

Wille reminded the Commission that the March, 2021 meeting of the Commission was cancelled due to the lack of business to constitute an agenda.

Danby Building, LLC – Variance Petition

Wille reported that the Danby Building, LLC has paid the appropriate fee and submitted a petition seeking a variance from the side and rear yard setbacks of the (I-2) General Industrial zoning district. The property in question is vacant and will be assigned an address of 1675 Gault Street upon its development.

The property is 120 feet wide and 225 feet deep. The western 30 feet of the property is located within the Gault Street right-of-way. Danby Building, LLC has provided for the dedication of the 30 foot strip of land to the City. Upon acceptance, the City will designate the property as part of the Gault Street right-of-way.

Wille explained that in 2008, the City undertook a comprehensive rewriting of the Zoning Ordinance. These changes altered the development regulations and created a second industrial zoning classification. These actions have negatively impacted the ability to fully develop the Danby Building, LLC property.

Prior to the 2008 amendments, this site would have required no side or rear yard setbacks. A 10 foot setback would be required if the property abutted another property with a residential zoning classification. The revised ordinance would require 25 foot side and rear yard setbacks.

Prior to the 2008 amendments, there was no particular minimum width or size of an industrially zoned property. The amendment now requires a minimum lot width of 150 feet and minimum lot size of 20,000 square feet.

Subsequent to the 2008 amendment, this lot is considered to be a legal, non-conforming property.

Mr. Tanis of Danby Building, LLC intends to move a warehouse / storage building on to the site. The building has been inspected by the Building Inspector and any code deficiencies would need to be address prior to the issuance of a Certificate of Occupancy.

To consider a variance in Minnesota, a three part test is utilized. The first of the three part test is, is the request for a "reasonable" use of land. Wille suggested that given that the warehouse / storage is a permitted principle use of land in the I-2 zoning districts, the standards of the first test can be met.

The second test is, are there unique circumstances, not due to the actions of the petitioner, which necessitates the need for the variance. Once again, Wille suggested that the circumstances resulting in the variance request were a result of the City of Saint Peter's actions to amend the Zoning Ordinance. The Danby Building, LLC could have undertaken their planned development under the terms of the Zoning Ordinance in place before the 2008 amendment without needing a variance.

The third test is, would granting the variance negatively impact the essential character of the neighborhood. Wille noted that almost all of the properties in the vicinity of the Danby Building, LLC were developed prior to the 2008 Zoning Ordinance amendment and that very few would have setbacks which meet the current code. Many of the properties have been developed with the 15 foot side and rear yard setbacks requested by Danby Building, LLC. As such, it was suggested that there would be no impact on the essential character of the neighborhood.

Wille noted that if the standards of the three part test are met by the petitioner, it would be appropriate to provide for the variance to allow 15 foot side and rear yard setbacks where the code would require 25 foot setbacks.

Wille has recommended that the Planning and Zoning Commission further recommend that the Board of Zoning Appeals and Adjustments provide for the variance as requested by Danby Building, LLC.

As the Planning Commission members began discussing the petition, Rossow noted that the request seems to be logical and that the lot is not as developable as it would have been prior to the 2008 amendment.

Member Nowell asked if there is any neighborhood notification regarding the variance petition. Wille responded that the owner of property within 350 feet of the Danby Building, LLC site were provided mailed notice of the public hearing scheduled before the Board of Zoning Appeals and Adjustments. Notice was also published in the St. Peter Herald and posted on the bulletin board outside of the City Administrator's office at City Hall.

Davis asked if there are any concerns that a 15 foot setback in the industrial area could constitute a fire safety issue. Wille replied that with 15 foot setbacks the two structures would

be at least 30 feet apart from one another. He did not believe that the 15 foot setback would require any special building construction or installation of a fire wall system.

Fichtner has visited the property and has no concerns. He believes it will fit in nicely with the neighborhood. Because of the limitation imposed in 2008, this would be a good solution.

Wille noted that a resolution has been prepared for Commission consideration which would recommend that the Board of Zoning Appeals and Adjustments provide for the variance to allow Danby Building, LLC to establish 15 foot side and rear yard setbacks.

A motion was made by Rossow and seconded by Fichtner to introduce Resolution No. 2021 – 08 entitled, “Resolution Recommending The Approval Of A Variance Application Submitted By Danby Building, LLC (1675 Gault Street) To Allow For The Placement Of Structures Within 15 Feet Of The Side And Rear Lot Lines”.

With no further discussion on the matter a roll call vote was taken. All member voted in favor of the motion, the Resolution was passed and adopted. The Board of Zoning Appeals and Adjustment will hold a public hearing and consider the variance petition on Thursday, April 15, 2021.

Wille noted that the annexation by ordinance of the Enz and Ben Pell property was accepted and approved by Minnesota Boundary Adjustments.

Wille noted that Ben Pell has granted an easement to the City for installation of the sanitary sewer main needed to serve the 66 unit multi-family development being constructed in the north part of Traverse Green subdivision.

With no further business before the Commission, Nowell moved to adjourn. The motion was seconded by Davis. All voted in favor, the meeting was adjourned at approximately 5:48 p.m.