

PHILIP RUD, Chairman (12/31/2020)
TROY SWEEP, Vice Chairman (12/31/2021)
LEANN NORD, Commissioner (12/31/2022)
DAVID PLAGGE, Commissioner (12/31/2022)
VICTOR SPARKS, Council Rep (Annual)

**CLARA CITY
PLANNING COMMISSION
REGULAR MEETING
MINUTES**

Wednesday
October 7, 2020
7:00 PM

**CITY HALL COUNCIL CHAMBERS
CLARA CITY, MINNESOTA**

Commissioners present: Troy Sweep, David Plagge and Vic Sparks

Commissioners absent: Leann Nord (excused), Philip Rud

Staff present: Julie Aalfs (Deputy Clerk), Steve Jones (City Administrator)

Others Present: Sherri Broderius (MACCRAY SCHOOLS), Chris Ziemer (ICS), Dan Hiemenz (ICS)

1. Call to Order by Vice Chairman Sweep at 7:04 PM. A quorum was declared as being present.

(The dial-in number was activated at this time: (1-419-739-2663, Room 6022, PIN 2718)

2. Additions/Deletions/Modifications to Agenda *None*

3. Approval of Minutes.

3. (A) Sept. 2, 2020

***Action taken:** M/S/P 4-0 (Sparks/Plagge) to approve the meeting minutes from Sept. 2, 2020 as presented.*

4. Communications and Correspondence: *None*

5. Reports from Administrative Officers and/or Staff : NONE

6. Public Hearing: *Public Hearing to Review Conditional Use Permit for MACCRAY School Expansion: The hearing was called to order by Vice Chairman Sweep at 7:07 PM. Jones was asked to read the public hearing notice. It was noted that we had visitors from the MACCRAY Schools (Broderius, Ziemer and Hiemenz).*

Jones gave the following report:

Staff Report-Conditional Use Permit Request-
School (Expansion) in a R-1 Zone
(Zoning Ordinance Section 154.05 (D) Conditional Uses-Public Schools)

Applicant: MACCRAY Independent School District #2180

Address of Applicant: 711 Wolverine Drive, Clara City, MN 56222

Phone of Applicant: 320-847-2154

Email address: Sherri Broderius (BroderiusS@MACCRAY.k12.mn.us)

Address of Project: 711 Wolverine Drive, Clara City, MN 56222

Property Owner of Project Site: MACCRAY Independent School District #2180

Legal Description and/or PIN of Project: Parcels #30-912-1203 and 30-912-1200.

Current Zoning: R-1 Residential (Low Density Residential) *Schools Allowed with a CUP*

Proposed Use: Expansion of Existing School Facility

60 Day Rule Expiration Date: *Pending-No application on file to set date.*

Attachments:

- 1) Staff Report
- 2) Public Notice
- 3) Original Application
- 4) Application Questionnaire
- 5) Building/Site Plans

GENERAL FINDINGS OF FACT

The Commission must determine and apply the facts on each agenda item according to the applicable law, which normally are the standards as defined in the City's Ordinances. Based upon the application of the facts to the law, the City must then find reasons or rationale upon which their decision to recommend approval or denial is to be based. These reasons or rationale

are referred to as “Findings of Fact.” There must be an adequate factual basis in the record to support the legal reasons for the decision. Therefore, the findings must be clearly stated and recorded in the minutes of the meeting in order to support the decision in event that the action is ever legally challenged. It is incumbent upon the Commissioners to also consider any potential adverse effects that the proposed conditional use might have upon (but not limited to) the following general factors.

1. Relationship to the city’s growth management system as detailed in the City’s Comprehensive Plan;

MACCRAY School, and the expansion, are shown in the Future Planning Area Map of the city as an area for the school to grow and expand, and one of the overall goals in the Comprehensive Plan is to make “Land Use decisions that will promote and contribute to the economic, social and environmental well-being of the community.” In addition, in Sense of Community, Goals and Strategies, a stated goal was to “Create a caring community that nurtures and supports children and families.”

2. The geographical area of the City that the project involves;

This area is shown under the Comprehensive Plan as the existing, and future site of the school and any expansion. It is close to downtown, city services, county and state highways. The Police, Fire and Ambulance services are within several blocks of the site.

3. Whether the proposed conditional use will tend to or actually depreciate the area in which it is proposed;

The site is an existing school. Depending upon the home owner and family, the school could be seen as an amenity. Because the adjacent residential area has its own access point, there is no evidence that the prior school has depreciated the value of the homes in the area, and it is not believed this will be the case with an expansion of the school. A review of real estate literature suggests good schools increase, not decrease, surrounding property values.

4. The character of the surrounding area;

This area is an existing school and park area, and the expansion, except for more traffic and larger school building, does not change the existing character of the area.

5. The demonstrated need for the conditional use as proposed;

Schools, and their occasional expansion, are necessary functions of a community and need to be incorporated into the life and fabric of the community, and as such are an essential service. The School District has spent years planning this expansion, and the school expansion was voted upon by the local school district.

6. The public need for additional land space for the requested use in the location requested;

Schools in and of themselves, are generally open to the public beyond specific school functions, so they maximize land use. The city has adjacent to the school a large recreational area, and this use is very compatible. The school already owns all the land they need for the expansion. No additional space needs are expected nor will resources be expanded beyond their planned or existing capacity.

7. The compatibility of adjacent land uses;

Most of the adjacent lands are already educational or recreational uses. Adjacent residential areas have their own access points and have been living side by side of the school for many years. These uses appear to be an amenity, not a detriment, to the surrounding areas.

8. The possible presence and effects of noise, odors, or other nuisances; and

Schools, except for traffic, are not generally considered nuisances for noise, odor or other nuisances. Because it is an existing educational site, except for some increase in traffic, not other issues are anticipated. As stated above, adjacent residential areas have their own access, and traffic to this site will not increase the level of traffic congestion to those neighborhoods at all. The city has plans to upgrade the access points into the school facility within two years, and the overall increase to traffic is not expected to be bothersome, is cyclical, and only for a few hours per day.

9. Availability in the present or near future of all necessary utilities and public services.

The School District and City have been coordinating public service needs. Water and sewer are adequate, but the city will be updating lines in the future once the major access road is rebuilt. City staff is also coordinating with the school the need to add a private lift station for sanitary sewer use, and at least two private hydrants. The city and school district have agreed to work on a long-term maintenance agreement for the private lift station and private hydrants. Lastly, the school plans call for a large storm water retention pond. This will be reviewed by the city engineer for proper sizing, inlets and outlets. Other utility (electric, gas, internet, etc..) expansions are being coordinated by the school district with those suppliers.

USE REGULATIONS

Existing Zoning District: The property is currently zoned “R-1 (Residential District). Schools are allowed as a Conditional Use.

Flood Zoning District: Clara City does not have an approved FEMA Flood Map, but an analysis by the Clara City Certified Flood Plain Manager (CFM), using city and DNR flooding and elevation maps, has concluded that this location would likely be a Flood Zone C, which is described as an area having a low flooding potential.

HEIGHT, YARD, AND AREA BULK REGULATIONS

Minimum Lot Regulations: A parcel in this zone must have no less than 20,000 square feet, 100 feet of frontage, and a lot depth of 150 feet.

Comment: The project site is very large, and all dimensions exceed required square footage, frontage, and depth.

Front Yard Regulations: A minimum of twenty (20)-foot front yard is required.

Comment: The new (and existing) structures are more than 20 feet back in the front yard setback.

Side and Rear Yard Regulations: A 10-foot side yard and 15-foot rear yard are required in this district. *Comment:* The side and rear yard setbacks exceed requirements.

Height Regulations: Our code is silent on height limitations in an R-1 District. We assume that is an error. Ag Districts allow up to 35 feet, but can go higher for an ag building. R-2 Medium Density Residential Districts allow up to 45 feet, or 3 stories, but anything over 35 feet required a one-foot additional front yard setback for each foot in height. Performance standards allow for exceptions to height for a number of items, including essential services. Performance standards also state that if no more than 25% of the roof space is taken by the increased height on any structure, than the maximum height can be 25% more than the listed height.

Comment: The proposed structures varies in height, with 37 feet the average maximum high area, except in one area the building it is 52 feet above ground level. Code allows up to 25% of a building to have certain features above 45 feet. The area above 45 feet takes up less than 2% of the roof space (3,200 sq. feet). If we assume 45 feet is the maximum allowable height in an R-1 Zone, then a 25% increase allows a maximum height of 56.25 feet. If that is the case, and 45 feet is the standard, then the proposed structure meets code at its maximum of 52 feet. It also may meet code if this part of the structure is deemed an essential structure, which allows the structure to be even higher.

RESIDENTIAL SCREENING

Residential Screening Regulations: When abutting a residential use in a residential district, the property shall be screened and landscaped in compliance with the code.

Comment: At this time no screening is being required, but screening can be required through the CUP review process if issues arise in the future, especially if there is additional residential development adjacent to school property in the future.

APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS

Regulations: Where applicable, all city, state and federal laws, regulations, and ordinance shall be complied with and all necessary permits secured.

Comments: Except for a building (zoning) permit, site plan, and this CUP, no other city permits are required. Because of the type of structure, numerous other State and Federal requirements need to be met by the school district, but these are not enforced by the city.

SIGN REGULATIONS

Sign Regulations: All signs shall be in compliance with Code Section 154.19 and shall not adversely impact adjoining or surrounding residential areas.

Comment: *The School District has requested a “Governmental” sign be allowed on city property/row. Placement, size and type of this sign must be approved by the city council.*

PARKING REGULATIONS

Adequate Off-Street Parking Regulations: The off-street parking shall be provided in accordance with City Zoning Code Section 154.14. Parking for schools in our code are “as required by the State Department of Education.”

Comment: *The school expansion will add about 55 new staff members on a daily basis, and 450 additional non-driving students (most will be bussed). At the present time there are approximately 180 parking spaces, 150 parking spaces will be added, for a total of 330 parking spaces. Plans are to add 5 busses (10 trips per day.) Staff concludes that the parking is adequate for staff, patrons, and buses, based off of existing loads and patterns.(It seems to work now without issues or complaints). **Our code state that parking needs are “as required” by the State**, so the city analysis is secondary.*

LOADING & UNLOADING REGULATIONS

Adequate Off-Street Loading and Unloading Regulations: Off-street loading and unloading shall be provided in accordance with City Zoning Code Section 154.14. The loading shall be screened and landscaped from abutting residential uses in compliance with Zoning Code Section 154.12(F).

Comment: *The site is large. Ample loading and unloading space are available.*

PUBLIC UTILITIES

Adequacy of Water, Sewer, and Other Utility Regulations: The required public utilities shall be capable of accommodating the proposed use.

Comment: *Utilities are already in place and are adequate for the project. Engineers and city staff have undertaken volume and pressure testing, which has been deemed as adequate for the project. The city engineer has been given the task of reviewing existing and future utility uses at the school with the school district engineer and architects, to ensure future city plans for upgrades maximize both school and city needs.*

STREETS

Street Accommodation: The streets serving the use or activity is of sufficient design to accommodate the proposed use of activity, and the use of activity shall not generate additional extra traffic to create a nuisance or hazard to existing traffic or to surrounding land uses.

Comment: *The streets are adequate, but upgrades by the city are planned, roughly in the same time frame as school construction, or immediately after.*

ACCESS ROADS, LANDSCAPING, SCREENING, AND GRADING

Landscaping and Grading Regulations: All access roads, driveways, parking areas and outside storage, service or sales areas shall be appropriately surfaced or grassed to control dust and drainage.

Comment: *All accesses and parking lots will be paved.*

OPEN AND OUTDOOR STORAGE

Open and Outdoor Storage Regulations: All open and outdoor storage, sales and service areas shall be screened from view from the public street and from abutting residential uses or districts.

Comment: *Except for dumpsters, and a few existing out buildings, outdoor storage is absent from the site. Dumpsters are in an enclosed area adjacent to the school.*

LIGHTING REGULATIONS

Lighting Regulations: All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from public streets

Comment: *Final lighting plans will need to be reviewed by staff and must meet city code.*

DRAINAGE

Drainage Regulation: For the use proposed and any business activity, there shall be effective and efficient drainage to control the surface water run-off.

Comment: *The city engineer will need to approve final drainage plans. A large storm water retention pond is planned and initial calculations show it exceeding requirements.*

ARCHITECTURAL PLANNING

Architectural Regulations: The architectural appearance and functional plan of the building and site shall not be overly dissimilar as compared to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence.

Comment: *The new construction is being made to fit into the look of the older construction.*

COMBINED RESIDENTIAL AND NON-RESIDENTIAL USE

Combined Use Regulations: Where structures combine residential and non-residential uses, the uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.

Comment: *Not part of this project.*

OTHER MISCELLANEOUS CONSIDERATIONS

City Engineer Comments: The City Engineer will continue to work with the school to ensure utility, drainage and street plans are coordinated with the city.

Fire Chief Comments: Overall, the analysis of the building will be made by the state. The Fire Department has reviewed access plans and find them workable and noted that access around the building has been improved. This access will also allow other city staff to schedule and complete annual hydrant flushing and testing.

Timing of Project: Site work would begin March/April 2021, with completion planned by Dec 2022.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Conditions: The planning commission and council may place reasonable conditions upon conditional use permits, if it is deemed necessary to mitigate adverse impacts, protect the value

of the property within the district, and to achieve goals and objectives of the Comprehensive Plan. Such conditions include but are not limited to area, bulk, height, ingress and egress, pedestrian and traffic flows, parking, landscaping, appearance, etc.

The permit can also include stated limited terms and/or periodic reviews.

Denial or Approval: Either approval or denial of the conditional use permit should include an analysis of the permit as to whether it does or does not comply with the standards of the code (Use Regulations and Findings of Fact at a minimum).

Revocation: Failure to comply with conditions allows for the city revoke a CUP., after a public hearing.

Expiration: Use of the permit must begin within one year (unless otherwise noted), and if the use is discontinued for one year, the permit becomes null and void.

STAFF RECOMMENDATIONS:

Staff recommends approval with the following conditions:

- 1) Applicant will provide adequate dust control during construction and work with the city on construction traffic control to limit impact to the roads and adjacent residences and businesses.**
- 2) In lieu of a building permit fee (commercial) the applicant will reimburse the city for all actual out of pocket costs for administrative and engineering reviews related to this project. The city engineer has final approval on all water, sewer, and storm sewer connections, capacity issues, and storm water management ponds, connections or runoff plans.**
- 3) Construction must begin and be completed within two years or the permit will expire. Applicant may request formal extension if the project start is delayed. The City Administrator is granted authority to extend the permit for one additional year after the initial date, for a total of three years.**
- 4) Lighting plans must be reviewed by the city prior to installation to ascertain that they conform with outdoor lighting requirements (*no direct source of light visible from adjacent residential areas or from public streets.*)**
- 5) Applicant must meet all other local, State, and Federal requirements. A complete set of as-built construction plans must be provided to the city at the end of project, both in electronic form, and paper form. This CUP review will suffice for the Site Plan Review (all areas in a Site Plan review are covered in this CUP review).**
- 6) The city/planning commission reserves the right to review the permit at any time and add conditions as may be required due to changing site conditions or unanticipated issues.**
- 7) The City and School District will work together to draft a maintenance plan for the private lift station and fire hydrants. (Yearly maintenance to be done by the city, reimbursed by the school.)**

- 8) The School District has requested a governmental sign be erected on city property/row. It's placement size and type will need to be approved separately by the City Council, prior to placement.
- 9) No expansions or major revisions of the plans that substantially change the size, shape, or capacity of the project will be permitted without review by the city engineer and city staff, and if necessary, the Planning Commission and City Council. The city reserves the right to work with the applicant to coordinate or adjust the site plan, project size, or conditions.
- 10) No WAC/SAC fee will be charged, but the school district will pay for any city out of pocket costs for meters, connections or any other utility upgrades.

After general discussion and input from Staff, Planning Commission members, and Supt. Sherri Broderius (MACCRAY SCHOOLS), Chris Ziemer and, Dan Hiemenz from ICS, Vice Chairman Sweep called for additional questions or comments from the audience. (No one else was in attendance, or on the phone, for or against the project, and no correspondence was filed with the city for or against the project.), Vice Chairman Sweep called the Public Hearing Closed at 7:27 PM.

After brief discussion, M/S/P 4-0 (Plagge/Sparks) to recommend approval to the City Council of the CUP with the conditions (1 through 10) as listed in staff report.

7. General Business

7. (A) Discussion of "Small Box Store" Moratorium and Request for Planning Commission Study (See attached Interim Ordinance) *No action taken. Board and staff discussed, and it will be the main topic of discussion at the November meeting.*

7. (B) September Construction Permit Review (No action needed, projects reviewed.)

7. (C) Miscellaneous: The Board discussed rental inspections, and the proposed building nuisance ordinance being considered by the city council later this month.

8. Appearance of Interested Citizens: NONE

9. Announcements—*No action is required.*

9. (A) The next regular meeting is scheduled for **November 4, 2020** at 7:00 pm.

10. Adjournment: *The meeting was adjourned at 7:38 PM.*