

**APPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
APRIL 23, 2024
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for April 23, 2024 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Mark Lobermeier, Dan Iverson, and Mark Holl

ABSENT: Commissioner Katie West

Also Present: Fred Weck Zoning Administrator and Council Liaison Lisa Iverson

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for April 9, 2024**

A MOTION WAS MADE BY COMMISSIONER HOLL, SECONDED BY COMMISSIONER IVERSON, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR APRIL 9, 2024, AS SUBMITTED.

*Voting Aye: Holl, Iverson, and Lobermeier
Voting Nay: None
Abstain: None
Absent: West*

SCHEDULED PUBLIC HEARINGS:

- 2. Rezone: Z-24-001 Rural Residential II (R-2) to Commercial (C) District**
Location: Hamlet Avenue at Highway 8, northeast corner
Applicant/Owner: Stephen Witzel
Property ID Number: 21.10674.02

Zoning Administrator Weck explained that Mr. Witzel would like to rezone this parcel in order to accommodate development of a manufactured home sales lot, but noted that use was not on the agenda this evening and the item for Commission consideration was simply the rezoning of the property from R-2 to Commercial. He explained that this change would not require an amendment to the Land Use Plan because the Comprehensive Plan has this property guided as commercial already. He stated that in 2006, the property had been divided and rezoned through the Township, but also needed to have it rezoned through the County, which Mr. Witzel had not done.

He explained that when the Township was annexed into the City, this parcel stayed the zoning that it was, which was R-2, because Mr. Witzel had not completed the second step with the County. He noted that this parcel has been guided for Commercial zoning since about 2006 and staff was recommending approval of the rezoning request.

Chair Lobermeier confirmed that this property, under the same ownership, had gone through the process to have it rezoned for Commercial use.

Stephen Witzel apologized for not following through like he should have back in 2007 with completing the rezoning with the County. He explained that he had gone to both the Planning Commission and the City Council at that time and everyone was on board with this rezoning and he mistakenly thought that the rezoning process had been completed. He noted that he thought that the County was the one who had actually dropped the ball on the rezoning, when, in fact, it was him.

Chair Lobermeier explained that if the rezoning request is approved, Mr. Witzel would still need to come back to the City with his development plans for further approvals.

MOTION BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER HOLL, TO OPEN THE PUBLIC HEARING AT 7:09 P.M.

<i>Voting Aye:</i>	<i>Holl, Iverson, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>West</i>

Randy Sampson, 24668 Hamlet Avenue, stated that he bought his place in 1993 and explained that it is a great neighborhood in a great location. He stated that the last thing he wants to see in the neighborhood is commercial property across the street from his home.

Jason Roberts, 24626 Hamlet Avenue, stated that he moved here in 2009 and explained that what he was mostly concerned about was that this would be a commercial business across the street from a residential home. He noted that he had spoken a bit to Zoning Administrator Weck about the Comprehensive Plan and this parcel being guided for commercial use, which he understood, but this has residential homes on a road that will take more traffic because of the proposed Highway 8 recommendations. He explained that he did not see that there would be anyway to access that property beside Hamlet Avenue. He stated that there are children in the neighborhood and he did not want to see an increased traffic load on the street. He explained that they had bought the home because it was off the beaten path but also close to town with nice access. He stated that he has nothing against a property owner trying to flip their property to commercial, but personally does not want to see it done. He urged the Commission to consider this as though they were in his position and this was in their neighborhood. He explained that the other issue he has with this proposal is that there were not any plans about what it will be, which means that it was hard for him to stand up here and say 'absolutely not'. He noted that if the residents on the street knew what was going in and they could request things like a berm or a fence, and noted that it may be possible that they would be more open to this idea. He stated that he was opposed to the current request. He explained that there has been some incidents with a lot of stuff being put in across the street from his house and stated that he does not want to look at it because he likes his property the way it is.

Carl Dahl, 7514 250th Street, stated that he was not directly impacted by this property, but noted that with the frontage road he knows that there will be some impact to the residential neighborhoods. He stated that they enjoy living on a farm and like it being more rural and

explained that he, personally, disagrees with the Comprehensive Plan, but understands that he does not run the City. He explained that he hated to see this go more and more commercial and reiterated that they enjoy raising their family in more of a rural atmosphere. He stated that he believes granting this request would steer the City in the wrong direction.

Daniel Bannon, 24734 Hamlet Avenue, explained that his largest concern is that since he has owned the farmland north of the property since 2017, this parcel has been a garbage pit. He noted that it had been somewhat cleaned up about a month ago, but is still essentially a garbage pit and explained that Mr. Witzel does not maintain it very well. He stated that Mr. Witzel has cleaned up the front of the property a bit, but if you walk his fence line, the property just has garbage everywhere. He noted that the City has serious issues with enforcing these type of issues and if they grant this request it will give Mr. Witzel the opportunity to make it even worse. He explained that it is clear that Mr. Witzel used this property as a storage facility and noted that he has pictures that he can share with the City. He stated that he pays a tremendous amount of taxes for his property and he wants it looking nice and stated that he did not want to see the City give Mr. Witzel an open-ended opportunity to exacerbate this mess. He stated that he felt that opening up the opportunity for commercial just gives Mr. Witzel a blank slate in order to create a mess which concerns him, because the City will not enforce it.

Kevin Miller, 6521 North Shore Trail, stated that he is here on behalf of his daughter and son-in-law who live at 24626 Hamlet Avenue. He stated in looking at the zoning map and the Comprehensive Plan, there is a lot of red. He noted that just because someone came to a Council meeting with the Township and had supposedly gotten approval, and was now coming back because that individual did not do what they were supposed to do at the time, does not mean that the City should just grant this approval without strongly considering the situation. He asked about the City's plan for the zoning being proposed and how they planned to convert all the properties to commercial. He asked if it would be done at this time for all the parcels or if it was just this one parcel. He stated that he understands that the Commission will make a recommendation to the Council, and asked if this would be a CUP or if it would be an actual zoning change. He asked if the City could just make a change to one parcel without changing it all. He asked if that would be fair to the property owners.

Zoning Administrator Weck stated that he believed that Mr. Miller was referring to spot zoning and explained that if the Comprehensive Plan had all residential around there and also had this property as residential and the City decided to change it to commercial that would be considered spot zoning.

Mr. Miller stated that the parcel is currently residential and asked if the City was going to rezone it why they wouldn't do them all at the same time.

Zoning Administrator Weck explained that one of the next agenda items was to look into implementing the Comprehensive Plan, which includes rezoning all those properties at one time.

Chair Lobermeier clarified that this agenda item was to discuss this one parcel and explained that this is the normal process the City uses for rezoning requests. He stated that he did not want there to be a misunderstanding about the spot zoning issue and noted that the Comprehensive Plan lays out what the long-term intended use would be, but reiterated that tonight they are talking about rezoning one parcel. He explained that this would not be considered spot zoning and noted that any landowner can come to the City and request a rezoning of the property.

Mr. Miller asked what would happen if this parcel was zoned commercial and they wanted to change it to residential.

Zoning Administrator Weck explained that the Comprehensive Plan guides this property towards commercial so in Mr. Miller's example, the applicant would have to ask for an amendment to the Comprehensive Plan and also ask the City for rezoning.

Mr. Miller stated that he felt that this change would effect the value of the nearby residential homes and noted that if it ends up lowering their value there have been case studies and lawsuits that have ruled that the City would have to pay the deficiencies, if the value drops considerably and asked if the City was prepared to deal with that type of outcome.

Chair Lobermeier stated that he felt that was speculation.

Mr. Miller stated that one of the things a City can do in this situation, when there are homeowners and residential properties across the street, which would be to require the developer to berm or screen the property along Hamlet Avenue, so that it would not directly effect the residential views and enjoyment. He asked the Commission to consider this as this request is moved forward through the process.

Chair Lobermeier agreed that would be possible but reiterated that the process tonight was simply for rezoning the property and all of the development details, such as screening, trees, and traffic, would be subject to a whole different process through the City and would have to come back before the Planning Commission and the City Council for approval. He stated that, is the rezoning is approved, this process would not begin until the property owner decides what he would like to do with the property, and has specific plan details for the City to review.

Zoning Administrator Weck explained that everyone who received a letter about tonight's Public Hearing would also receive a letter notifying them, if and when, there is a next step of the development and use.

Neil Rever, 24679 Hale Avenue, stated that they live next to the Gregory property and noted that they had appeared before the Commission and Council previously to share their concerns. He stated that he wanted to let everyone know that they have had problems since the Gregory building was put in with excessive lighting and no screening which means they are looking at a parking lot and over 60 lights. He cautioned the residents that if Mr. Witzel wants to put in a building and have 100 lights and keep them on all night, that is what they will have to look forward to. He stated that he felt that the City has not come through, thus far, in addressing their concerns and explained that he felt the Council and staff have not been truthful.

Mr. Bannon explained that Mr. Rever's comments go back to what he said earlier about the City's lack of enforcement of these issues. He stated that he wanted to make sure that if the City has laws or guidelines in order to make the community nice and enjoyable, he asked that they also follow through with enforcement. He stated that the issues raised by Mr. Rever are a prime example of what they have all been talking about. He stated that they are talking about not only a mess, but also an ungodly amount of lights that will diminish the enjoyment of the nearby properties.

Mr. Rever stated that he didn't feel that the City cared.

MOTION BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER HOLL, TO CLOSE THE PUBLIC HEARING.

<i>Voting Aye:</i>	<i>Holl, Iverson, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>West</i>

Chair Lobermeier stated that he asked if there had been complaints about the Gregory property.

Zoning Administrator Weck confirmed that there had been complaints and noted that Mr. Gregory does not yet have the screening up because the ground was frozen, so he could not plant trees or install the fencing. He stated that the security lighting is allowed and they are not allowed to have lighting of a certain candle power beyond the property lines and noted that the City has checked and it is in compliance. He stated that for the current property being discussed, he has received complaints about it regarding trash and debris and he had contacted Mr. Witzel and had those things cleaned up. He noted that he did not walk through the woods, so if someone is walking along the fence line and sees trash, he asked that they let him know about it because he cannot see it. He stated that if there are photographs, he asked that they be sent to him, so it can be addressed.

Chair Lobermeier stated that he thinks there were good comments shared by the residents and noted that he also had some concerns. He asked whether, before there were further discussions about rezoning, if the other issues related to the property that have been raised, should be resolved before they move on in the process.

Zoning Administrator Weck stated that he felt the concerns that have been raised about the way the property is being used, would be more appropriate for when Mr. Witzel would actually bring in a site plan or CUP request.

Chair Lobermeier stated that one of the comments raised during the Public Hearing was about how the Commissioners would feel if this was happening in their neighborhood. He explained that he was in this exact position in 2006 and as a result ended up learning a lot about the Planning Commission, land use, and property rights, which ultimately ended up with him serving on the Planning Commission. He stated that he understands their concerns and that it is difficult to see properties rezoned. He explained that the Comprehensive Plan is the City's attempt to be able to guide the City to the best long-term use and noted that Highway 8 is, and will be, a commercial corridor. He stated that when the City sees a property like this, they see it as moving towards the way that have seen in planned and reminded them that at one time, the Township had also seen this as a commercial property. He explained that this request was consistent with the plan and if Mr. Witzel brought something forward to the City, he believes that there will be an opportunity to improve a number of the conditions that they have heard about tonight from residents, including screening and cleaning up the property, but would also include conditions that, if those things are not followed, that the City has the ability to enforce them.

MOTION BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER IVERSON, TO RECOMMEND APPROVAL TO REZONE: Z-24-001 RURAL RESIDENTIAL II (R-2) TO COMMERCIAL (C) DISTRICT, LOCATED AT HAMLET AVENUE AT HIGHWAY 8, NORTHEAST CORNER FOR PROPERTY ID NUMBER: 21.10674.02.

Voting Aye: Holl, Iverson, and Lobermeier
Voting Nay: None
Abstain: None
Absent: West

Chair Lobermeier stated that this item would go before the City Council on May 7, 2024. He reiterated that the Planning Commission was a recommending body and the City Council would make the final decision on this request.

NEW BUSINESS:

OLD BUSINESS:

3. Planning Commission Appointment Recommendation to the City Council – Chris Ortwerth

MOTION BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER HOLL, TO RECOMMEND APPROVAL OF APPOINTING CHRIS ORTWERTH TO THE PLANNING COMMISSION.

<i>Voting Aye:</i>	<i>Holl, Iverson, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>West</i>

4. Rezoning of Undeveloped Parcels to Match the Comprehensive Plan

Zoning Administrator Weck explained that what he had tried to put together for the Commission was to show that if they were zoned Agricultural and the Comprehensive Plan says they will have some other designation, how many parcels it would effect, and, if the uses or lot sizes would be conforming. He stated that, for the most part, if they were compliant with setbacks, they would be compliant with new setbacks. He asked if there was more information that the Commission would like him to compile.

Chair Lobermeier stated that he felt this information was very helpful for them to kind of be able to look at what the current zoning was and what the impact would be. He noted that he was also glad to see that a large percentage of the parcels would remain conforming in terms of use and lot size. He asked what 'SFD' referred to.

Zoning Administrator Weck clarified that SFD meant 'single family dwelling'.

Chair Lobermeier stated that this information helped him get his arms around the fact that this would certainly impact some parcels, but not in the way that he had originally been concerned with.

Commissioner Holl noted that it will take him some time to wrap his mind around this information and asked a few clarifying questions on how to interpret the information put together by Zoning Administrator Weck.

Zoning Administrator Weck answer the questions and noted that he felt that use was the larger issue for consideration.

Chair Lobermeier stated that if the uses remain conforming after they move them to the new zoning that would be a good thing.

Commissioner Iverson stated Zoning Administrator Weck mentioned that the non-conforming aspects would be more around the use of the property and asked what that would really mean in a boiled down explanation.

Zoning Administrator Weck explained that it would mean that they could keep using the property as they want, including as it was currently being used, but they could not expand the property, for example, put an addition onto the house. He noted that there would be a way that they could put on a detached accessory building. He stated that if the home burned down, if they applied for a

building permit with 180 days, they could rebuild what they had.

Commissioner Iverson stated that he felt what Zoning Administrator had just described would be a key point to include in their communications and felt that there may be a few of these types of bullet points that will help create a picture for easier understanding.

Chair Lobermeier stated that he felt this information was very helpful and allowed them to take in this information from a different viewpoint.

Zoning Administrator Weck encouraged the Commission to let him know if there were other categories or information that they would like to be included.

Chair Lobermeier suggested that they may be ready to bring this information to the Council at their May 21, 2024 meeting.

COMMUNICATIONS: NONE

UPDATES: NONE

A MOTION WAS MADE BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER HOLL, TO ADJOURN THE APRIL 23, 2024 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 7:44 PM.

<i>Voting Aye:</i>	<i>Holl, Iverson, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>West</i>