

**APPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
MAY 14, 2024
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for May 14, 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, Katie West, Dan Iverson, Mark Holl, and Chris Ortwerth

ABSENT: None

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 23, 2024**

A MOTION WAS MADE BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER HOLL, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR APRIL 23, 2024, AS SUBMITTED.

Voting Aye: Ortwerth, West, Holl, Iverson, and Lobermeier

Voting Nay: None

Abstain: None

Absent: None

SCHEDULED PUBLIC HEARINGS:

2. **Interim Conditional Use Permit for a Home Occupation: I-24-002**

Location: 26333 Goodvine Avenue

Applicant: Benjamin Kaphing

Property ID Number: 21.11112.34

Zoning Administrator Weck explained that this application was a request for an Interim Conditional Use Permit (ICUP) to allow a home occupation at 26333 Goodvine Avenue. He reviewed the existing conditions and zoning for the property and explained that the applicant would like to use the accessory structure for an automotive repair business for cars and light trucks. He explained that all of the repairs would take place inside the building and would be done during traditional work hours, Monday through Friday from 8:00 a.m. to 6:00 p.m., Saturdays from 10:00 a.m. to

2:00 p.m. and closed on Sundays. He noted that any hazardous waste that will be created would be handled by Bradwell Auto and Truck where they would exchange a full barrel for a new empty barrel. He stated that there may also be one part-time employee, on an as needed basis. Staff recommends approval subject to the 10 conditions outlined in the staff report. He noted that the ICUP would be valid until the property is either vacated or sold.

Commissioner West asked about the reference in the staff report to screening.

Zoning Administrator Weck clarified that if the applicant were to have anything outside then screening would be required, but noted that the plans are for everything to be inside the building.

Chair Lobermeier stated that some of the conditions include things like 'monitoring' and asked how that would be handled.

Zoning Administrator Weck stated that with the hazardous waste license, the applicant will have to provide a copy of that for the City or a copy of the contract with Bradwell Auto and Truck. He explained that beyond that, for example, things like noise complaints that would be generated by the neighbors. He noted that a normal CUP would run with the land, but this is an ICUP so if the property is sold or vacated the permit will expire.

Commissioner Holl asked if the City would make this permit valid for a term of 1 year.

Zoning Administrator Weck stated that they could but would have to hold another public hearing, because that was not the information that was noticed to the public.

Commissioner Holl asked if there would be any kind of inspection associated with the ICUP.

Zoning Administrator Weck stated that the ordinance provides for himself or someone from the Planning Department to go out and do yearly inspections to ensure that it is still in operation. He stated that, for example, if the applicant stopped working for more than a year then the permit would also lapse.

Commissioner Ortwerth asked about the storage of the oil and where they would be done.

Zoning Administrator Weck stated that he will have a 30 gallon barrel, per the MPCA requirements. He noted that the City is not allowing any exterior storage, so this barrel would be inside of the shop.

Ben Kaphing explained that he was just looking to have a small repair business and work from home fixing cars and light trucks. He stated that there would not be any big trucks or diesel vehicles. He noted that he stated that he would run it within the hours indicated by Zoning Administrator Weck and stated that he can keep the shop very clean. He explained the process for use of the 30 gallon drums and confirmed that they would all be stored inside. He stated that he planned to be respectful of his neighbors through the operation of the business.

Commissioner Holl asked if most people would be driving in and dropping off the vehicle.

Mr. Kaphing confirmed that most people would drive in and drop off their vehicle. He stated that his plan is to focus the work on suspension, engines, and transmissions. He explained that he had no plans to become a rapid oil change place.

Commissioner Iverson asked about plans to mitigate noise.

Mr. Kaphing stated that he planned to keep everything inside his shop and noted that it was very well insulated.

Commissioner Iverson asked if he would have the doors open.

Mr. Kaphing noted that he does have a back door and if it gets too noisy he will do what he can to keep the doors closed. He stated that he has air conditioning and heat so he should be able

to keep them closed, if needed. He stated that right now he was just using the garage for his personal stuff, such as hot rods, dirt track racing vehicles, and snowmobiles and explained that he had been working on cars for about 25 years.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO OPEN THE PUBLIC HEARING AT 7:12 P.M.

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

Zoning Administrator Weck noted that he had received 2 e-mails regarding this application from Marcie Wacker and Rhonda Peterson that he had placed before the Commission.

Tim Lamourea, 26365 Goodvine Avenue, stated that he lives just north of this property and noted that Mr. Kaphing is probably one of the neighbors that keeps things the most well-kept in the neighborhood. He stated that he had no issues with this request and would support City approval.

Rhonda Peterson, 6483 263rd Street, stated that she had sent a long e-mail to the City and noted that it appeared as though the City has tried to address most of her concerns. She noted that Zoning Administrator Weck was helpful in answering her questions and referenced Section 40-540 of MN Statute related to the purpose. She stated that there is language towards the end of this section that says the purpose 'does not alter the character or appearance of the home or neighborhood'. She stated that is something that she would like the City to take a close look at while they are considering this request. She stated that details of her concern were included in the e-mail she had sent and encouraged the Commission to read it.

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

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

Commissioner West stated that in just looking at the property, visually, it looks like Mr. Kaphing keeps a well maintained property and would assume that would also be how he would treat his business.

Commissioner Holl stated that he went out and took a look at the property and would agree that it is well maintained. He noted that there is already a fence up along the east side of the shop.

Commissioner Iverson stated that he had also driven by and would echo what has already been stated about the property appearing to be well maintained.

Commissioner Ortwerth stated that he thinks everyone's main concern is that this may turn into a junk yard. He stated that in his previous residence before he moved to Wyoming he had a neighbor who did this same kind of thing and there were cars parked all along the backyard. He stated that in that instance the city ended up shutting down this business, but noted that this a concern that the neighbors will have. He noted that as long as Mr. Kaphing keeps everything well maintained and does not have a lot of cars, he did not see a problem with this request.

Chair Lobermeier stated that Wyoming allows for this type of permit for home based businesses.

He stated that staff was recommending 10 conditions of approval and his message to the applicant and the neighbors was to check in every once in a while. He suggested that Mr. Kaphing check in with the neighbors to make sure that there weren't any complaints about how he was operating the business. He stated that if there were problems, the neighbors can call Zoning Administrator Weck and staff will come and check on the situation.

MOTION BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER WEST, TO RECOMMEND APPROVAL INTERIM CONDITIONAL USE PERMIT FOR A HOME OCCUPATION: I-24-002 LOCATED AT 26333 GOODVINE AVENUE FOR BENJAMIN KAPHING, PROPERTY ID NUMBER: 21.11112.34, SUBJECT TO THE 10 CONDITIONS LISTED IN THE STAFF REPORT.

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

Chair Lobermeier noted that this request would come before the City Council on May 21, 2024.

NEW BUSINESS: NONE

OLD BUSINESS:

3. Rezoning of Undeveloped Parcels to Match the Comprehensive Plan

Zoning Administrator Weck noted that he had added a table that gave a brief look at what the parcels currently are and what they will change to. He stated that he could not include all the information without it becoming cumbersome so the Commission will have to do some of the comparisons themselves. He stated that, for the most part, if the parcel was currently compliant with relation to setbacks, it is likely that they will be rezoned to something with reduced setbacks than their current setbacks. He noted that one other thing that came up was that after the last meeting there were a few members of the neighborhood came over that were farmers who had questions about how the rezoning would affect them. He explained that if they are a farm, they will be able to keep on being a farm. He noted that there is a State statute that makes it clear if, for example, the home on the farm burnt down, it could be rebuilt as long as they applied for a building permit within 180 days. He stated that he had also met with Grace Church because they were looking to expand their property. He noted that they are currently zoned commercial and the City has them included in the Central Business District (CBD). He explained that their issue is that they want to move towards Highway 61, but right now they are at the setback in the commercial district but the CBD district has a 0 frontline setback. He stated that Grace Church could either stay with their existing zoning and have to get a variance for the front setback or they could rezone and meet the setback but explained that the issue is that in the CBD the City does not have churches as a permitted or conditional use. He referenced Section 40-655 which states, 'Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall, without further action, be considered a conforming use. He noted that he has asked the City Attorney to take a look at this to make sure that he had been interpreting this section correctly. He stated that he believed the intent was not to create non-conformities for a perfectly good business in the City.

The Commission discussed City sewer and water versus septic tanks, fire suppression requirements, and details of the information included in the tables.

Chair Lobermeier stated that he felt the information put together by Zoning Administrator Weck was helpful.

Zoning Administrator Weck stated that at the June 4, 2024 City Council meeting, City Administrator Linwood plans to ask the Council about scheduling a joint work session with the Commission for June 18, 2024 to discuss rezoning.

Mayor Iverson asked if the plan was to hold the work session prior to the regular Council meeting.

Zoning Administrator Weck stated that the suggestion by City Administrator Linwood was to schedule it at 5:30 p.m.

Chair Lobermeier stated that he will be out of town on June 18, 2024 but could meet on July 2, 2024.

Zoning Administrator Weck stated that he will talk to City Administrator Linwood and see if they can move the work session to July.

Chair Lobermeier stated that as the Commission is reviewing this information and questions arise, he suggested that they jot them down because he assumes that item will continue to be on their upcoming agendas for further discussion. He noted that he was starting to get a bit more comfortable with the City doing this rezoning 'en masse', unless the Council would not support it.

Zoning Administrator Weck noted that if the Commission has questions he asked that they send them to him. He stated that if they sent him the questions prior to the meeting it allows him to do some research and not have to answer off the cuff at the meeting.

Mayor Iverson stated that the legislation that has been proposed means that the City will not have control or a choice in zoning and development. She stated that she believed that the bill is currently dead, but the expectation is that it will come back.

COMMUNICATIONS:

Zoning Administrator Weck stated that he does not have anything slated for the May 28, 2024 Planning Commission meeting other than continued discussion on the rezoning issue.

Commissioner West stated that she would be unable to attend the May 28, 2024 meeting.

Chair Lobermeier suggested that the Commission work on their own to look more deeply at this issue and cancel the May 28, 2024 meeting since this would be the only topic. He stated that will give them some time to get caught up and can plan to discuss it at the first meeting in June.

UPDATES:

The Witzel rezoning application was tabled until the next City Council meeting in order to allow for a full quorum.

A MOTION WAS MADE BY COMMISSIONER HOLL, SECONDED BY COMMISSIONER WEST, TO ADJOURN THE MAY 14, 2024 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 7:39 PM.

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