

**CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD**

October 6, 2020 – 5:30 p.m.
City Center -- ZOOM

AGENDA

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF THE AGENDA

C. APPROVAL OF MINUTES
a. September 1, 2020

D. PUBLIC HEARING
a. Amending existing Conditional Use Permit (CUP) for a Country Club/Event Center.

E. NEW BUSINESS

F. COMMISSIONER COMMUNICATIONS

G. STAFF COMMUNICATIONS

H. ADJOURNMENT

MINUTES OF THE ALBERT LEA PLANNING COMMISSION

Regular Meeting

September 1, 2020

5:30 pm – City Hall, Council Chambers

Call to order at 5:47 pm by Vice Chairman Anderson.

MEMBERS PRESENT: Colby Cunningham, Lucas Schuster, Wyeth Anderson, Jared Dawson and Larry Baker.

MEMBERS ABSENT: None.

STAFF PRESENT: Megan Boeck, City Planner.

APPROVAL OF AGENDA

A motion was made by Dawson and second by Cunningham to approve the agenda. Motion carried.

APPROVAL OF MINUTES

A motion was made by Schuster and second by Dawson to approve the June 4, 2020 meeting minutes as presented. Motion carried.

NEW BUSINESS- Public Hearings Ordinance Amendments

Chapter 54, Article 1, Section 54-9 Division and Consolidation of Lots of Record

Vice Chair Anderson opened the hearing to the public at 6:00 pm.

Boeck stated that staff is continuing to improve and clarify ordinances and is proposing four separate zoning amendments. Boeck also stated that Section 54-9 addresses lot combinations and divisions and that right now the process is lengthy and costly even though state statute allows the division and consolidation of land to be done administratively which is also staff's recommendation.

Chapter 74, Article 1, Section 74-18 Accessory, Buildings, Fences and Site Appurtenances

Boeck stated that staff recently noticed a scrivener's error that states the setback for an accessory structure is five feet from the center of an alley and instead it should be worded that the setback for an accessory structure is five feet from the alley's edge.

Chapter 74, Article III, Section 74-256 Off-Street Parking and Loading

Boeck stated that this ordinance adds a hammerhead parking option, instead of just a flare, for properties in R-1 zones. Boeck also stated that it will benefit

properties that sit along Bridge Ave and need a way to pull out instead of back out onto that street.

Chapter 74, Article III, Section 74-982 Districts

Staff discovered that currently tattoo parlors are listed as a prohibited use in DCD zones and that not long ago a tattoo parlor was permitted along Newton Ave S. Boeck also stated that she researched the findings for prohibiting that use when the DCD was created and didn't find any specific reasoning.

Vice Chair Anderson asked for comments from the commission and hearing none closed the hearing to the public.

Motion by Schuster and second by Dawson to approve the ordinance amendments as presented. Motion carried.

Public Hearing- Request to Rezone Property at 300 N 10th Ave

Vice Chair Anderson opening the hearing to the public at 5:50 pm.

Boeck stated that 300 N 10th Ave sits along highway 13 in a small B-2 zone and that the current use of the property is residential and has been in existence as such for many years. Boeck also stated because of the difference in use vs. zoning the new property owners are to expand the existing house and garage because a legal non-conformity exists. Lastly, Boeck stated that staff supports the request for re-zoning due to its long standing use as a residential property.

Vice Chair Anderson asked for comments from the commission and hearing none closed the hearing to the public.

Motion by Cunningham and second by Schuster to approve the property re-zone as requested. Motion carried.

COMMISSIONER COMMUNICATION

None.

STAFF COMMUNICATION

Boeck stated she plans to further discuss ordinance amendments at the October Planning Commission meeting.

Motion by Cunningham and second by Dawson to adjourn the meeting at 6:17 pm. Motion carried.

Megan Boeck, City Planner

Jason Willner, Chairman



GENERAL INFORMATION

Applicant: Chad and Jayne Iverson
 Property Owner: The Barn of Chapeau Shores, LLC
 Purpose: Amending existing Conditional Use Permit (CUP)
 Address: 504 Lake Chapeau Drive
 Parcel Number(s): 34.167.0090
 File Date/Publication Date: September 16, 2020/September 23, 2020

Subject Site:

Existing Land Use	Zoning
Commercial Country Club/Event Center	R-1

Adjacent Land Use and Zoning:

Existing Uses		Zoning
North	Residential	R-1
South	Residential	R-1
East	Residential	R-1
West	Residential	R-1

BACKGROUND

In May of 2020 the City Council approved an amendment to the Conditional Use Permit (CUP) for the Barn of Chapeau Shores that would allow extended hours of operation to 8 am to 11:30 pm Sunday through Thursday and 8 a.m. to 12:30 a.m. December 31 through January 1. The extended hours of operation for New Year’s Eve and holiday were not included in applicants request to amend the existing CUP (Resolution 20-115). Since then, the applicant has requested to amend the existing CUP (Resolution 20-115) in the following manner:

SECTION 2 (HOURS OF OPERATION) currently states that the hours of operation be limited to:

- Monday through Thursday 8am to 11:30 pm
- Friday 8 am to 12 (midnight)
- Saturday 8 am to 12 am (midnight)

Event guests shall depart by 11:30 pm and the vendors, family and bridal party shall leave the venue by 12 midnight on Friday and Saturdays. Event guests shall depart by 11pm and the vendors, family and bridal party shall leave the venue by 11:30 pm on Sunday through Thursdays.

The applicant has requested that the hours of operation **be changed to:**

Sunday through Thursday 8 am to 11:30 pm

Friday and Saturday (8) am to 12 am (midnight)

New Year's Eve Holiday each year until 12:30am on New Year's Day.

Event guests shall depart by 11:30 pm and the vendors, family and bridal party shall leave the venue by 12 midnight on Fridays and Saturdays. Event guests shall depart by 11 pm and the vendors, family and bridal party shall leave the venue by 11:30 pm on Sunday through Thursdays.

On New Year's Eve Holiday, event guests shall leave the venue by 12:30 am on New Year's Day. The vendors, family and bridal party shall leave the venue by 1:00 am on New Year's Day.

ANALYSIS

Zoning 74-59 States that the Planning Commission shall base its findings on current and anticipated traffic congestion, population and density, noise, effect on adjoining land values, public health and aesthetics.

Current and Anticipated Traffic Congestion:

Staff does not anticipate that the proposed request to extend hours of operation on the New Year's Holiday to have an effect on existing traffic. The original CUP approved by both the Planning Commission and City Council in October of 2017 states that Lake Chapeau Drive is a collector road that has capacity for traffic generated from the use.

Population and Density:

Because the existing use is not residential in nature there will be no change to population or density at the site or surrounding area.

Noise:

The proposed amendment does not seek to change or lessen the standard by which noise is measured. Efforts to mitigate noise were implemented by the applicant in part of the original CUP. Vegetation, fencing and parking locations were all considerations used to mitigate noise.

Effect of Adjoining Land Values:

The application does not seek to change the use of the land and as such, staff has no reason to anticipate an effect of adjoining land values.

Public Health, Safety and Welfare:

The request for later evening hours for a holiday celebration (which, depending on the year, will fall on weekdays) does not have the ability to threaten the quality of life of the neighborhood—which are single family residences. Staff believes that day time operations, in addition to evening operations during the weekend is most appropriate for a business in a residential zone.

Aesthetics:

The current property is about 3.25 acres in size and includes a barn, small shed, patio area, paved parking. All modifications that have been made through the original CUP approval in 2017 have improved the property and its curb appeal.

FINDINGS OF FACT

1. The proposed amendment will not attract or promote any additional traffic.
2. The proposed amendment will not create additional population or density.
3. The proposed amendment as it pertains to noise in accordance with MN State Rule 7030.0040 will not change because efforts to mitigate noise have already been implemented.
4. The proposed amendments pertaining to hours of operation will not have a negative effect on adjoining land values.
5. Staff has not received any official comments from neighboring residents in regard to the proposed new year's eve/day holiday hours.
6. The aesthetics of the current site have largely been improved since the approval of the original CUP in October of 2017.

STAFF RECOMMENDATION

Staff recommends to the Planning Commission that they consider the testimony at the public hearing in addition to the report and findings of fact prepared by City staff. The following are options for approval or denial of this application:

- 1) Approve the application as presented by the applicant.
- 2) Deny the application as presented by the applicant—in which case the CUP approved by City Council on June 23, 2020 as amended to reflect the applicants May 16, 2020 request will remain valid.