

## PUBLIC HEARINGS

October 24, 2017

7:00 P.M.

Present were Mayor Ihrke, Cameron Johnson, Dave Iseminger, Jaime Putzier, Melinda Kieffer, Geoff Griffin, Jerry Dyba, Jody Wiza, Harley Jo Ramsey, Tammy Stolberg, Attorney, Fred Suhler, Rhiannon Flury, Matt and Elena Keefe, Jill from the St. Charles Press, Keith Rosenberg and Renee Putzier. Jaime Putzier was not present.

The Public hearing for the rezoning of 6.91 acres from Agricultural to R-1 residential was called to order. The property is located on the north end of 6<sup>th</sup> Court SE and will be served by and extension of 6<sup>th</sup> Court.

Mr. Geoff Griffin presents his plan : extended 6<sup>th</sup> Court out which has created 5 more lots. Catch basins have been put in on the end. 2 lots are abutting County Road #142. Mr. Griffin would like a curb cut on those 2 lots for garages, and it is a 30 mph zone. He would also upgrade the trail. Mr. Griffin will check with Olmsted County to see if they will allow curb cuts for garages. If so, Mr. Griffin will obtain the permits from Olmsted County.

Below are the proposed findings in favor of said change:

1. Consistent with neighboring zones the lands to the north, south and west are zoned R-1 residential. Lands to the east are zoned Agricultural.
2. Consistent with General Development Plan
3. The City Land Use Plan Map designates the area as low density residential

4. Water and sewer is readily available.

Mayor Ihrke asked for public comment 3 times. With no response a motion was made by Melinda Kieffer to close the hearing, motion was seconded by Dave Iseminger. All agreed. Motion carried.

With the council considering the 4 findings, a motion was made by Dave Iseminger to approve the rezoning of the 6.91 acres from Agricultural to R-1 residential, property is located on the north end of 6<sup>th</sup> Court SE and will be served by and extension of 6<sup>th</sup> Court. Motion was seconded by Cameron Johnson. Melinda Kieffer voted yes. All agreed. Motion carried.

Public Hearing was opened for the approval of the Preliminary Plat of Henry estates Eleventh Addition. The plat consists of 5 lots ranging in size from .29 acres to 2.5 acres in size. Three of the lots are located on the west-northwest side of the proposed roadway. The roadway will be dedicated to the City and become a part of the City's street network. A temporary cul-de-sac is being placed on the end of the roadway to allow for vehicles to turn-around. This preliminary plat shows the water supply, sewage system connections and storm water system. The preliminary plat also shows how those systems will be extended for future development.

Condition of the plat: Lot 1 Block 1 includes access off of County Road 142 ( Eyota Street East). This would allow for an accessory building to be constructed on the north end of the lot. In order to construct a garage at this location, access would need to cross the bituminous path along County Road 142. Access from this location could create safety issues and could also degrade the bituminous path. The developer will put conditions in the purchase agreements that the homeowner needs to mow the full lot.

The City has entered into a development agreement with the developer. That agreement requires the developer to install all necessary utilities, roadways including curb and gutter and the first lift of bituminous. The City is responsible for the final lift of bituminous. That lift was completed when 6<sup>th</sup> Street was paved a couple of months ago.

Dave Iseminger asked the nothing would be running off to the North and East of Lot 3. Geoff Griffin acknowledged and will meet this condition.

Mayor Ihrke asked for public comment three times. With no comments a motion was made by Cameron Johnson to close the hearing, motion was seconded by Melinda Kieffer. All agreed. Hearing was closed.

After a brief discussion, a motion was made by Dave Iseminger to approve the Preliminary Plat of Henry Estates Eleventh Addition, motion was seconded by Melinda Kieffer. Cameron Johnson voted yes. All agreed. Motion carried.

Public Hearing was opened for the approval of the final Plat of Henry Estates Eleventh Addition.

Mayor Ihrke asked for public comment three times. With no response a motion was made by Cameron Johnson to close the hearing, seconded by Dave Iseminger. All agreed. Motion carried.

After a brief discussion, a motion was made by Dave Iseminger to approve the final plat, motion was seconded by Melinda Kieffer. Cameron Johnson voted yes. All agreed. Motion carried.

The Public Hearing was opened for Henry Estates Twelfth Addition, a proposal to replat Outlot C in Henry Estates Assessors Replat, consisting of 2.16 acres, into 4 residential lots. The lots are

currently zoned R-2 Residential District. The land is located in off the northwest corner of the intersection of Dover Street SE and 6<sup>th</sup> Street SE.

Mr. Geoff Griffin makes his presentation with the following conditions:

- 5 lots versus the original 4 requested
- a 33' driveway to the west of Lot 5 and the southwest of Lot 1.
- water drainage will run to the street
- previous water problem has been rectified
- a 15' easement will be put in on the north side of Lot 1 & 2
- water/sewer will be put in this year, 5 separate lines from the main stub on Dover Street SE
- street light will be put in on the southeast corner of the Lot 3

The lots meet or exceed the standards of the ordinance as proposed. Since none of the proposed lots along 6<sup>th</sup> Street SE have drive-over curb, any development will need to include curb cuts. The ordinance allows for a twenty-four feet curb cut for a driveway when no drive-over curb is present. Those curb cuts will be at the cost of the developer and not the City.

Mayor Ihrke asked three times for public response. Jerry Dyba asked if the yards will be buffered. Mr. Griffin stated that trees will be planted.

With no further responses, a motion was made by Dave Iseminger to close the public hearing, seconded by Melinda Kieffer. All agreed. Motion carried.

After a brief discussion, a motion was made by Cameron Johnson to approve the replat of Outlot C in Henry Estates Assessors Replat into 5 lots of Henry Estates Twelfth Addition with the stated conditions, motion was seconded by Melinda Kieffer. Dave Iseminger voted yes. All agreed. Motion carried.

A Public Hearing for a Commercial Variance by Jody Wiza was called to order. Address and Legal is 211 Main Street North: South 46 feet of Lot 11 and the North 25 feet of Lot 12 all in Block 9 Village of Dover, Now Dover. The application is to allow for the construction of a deck/patio area in the parking area in a B-1 Commercial District and the number of stalls required. The applicant has constructed a deck/patio in the parking area of the property. The applicant recently added additional uses to the property, adding a restaurant and bar to the hair salon business and constructed a deck/patio without a permit. Because of the change in use and the additional seating being added, additional parking is required by ordinance. Property is located within a B-1 Commercial District.

Fred Suhler, Jody Wiza's attorney presented his concerns:

- 1) Difficult to understand if planning commission is the City Council. It should be clarified, if there is a planning commission or if the council is acting in the capacity
- 2) It was originally stated to settle dispute, Jody asked for a variance, paid the fee, filled the application for the variance. There seems to be sufficient parking for the building use with adding the patio – all of a sudden a variance is needed?

3) Reviewed the City of Dover Ordinances, one was adopted in 2000. The Variance Ordinance is not consistent with the Minnesota State Law. Practical difficulties are hurting Jody's business and is stressful for her. He wants to resolve everything.

Mayor Ihrke suggested to the council that this variance should be tabled until legal council is obtained and amend the ordinance if needed to meet state statues. The City has 120 days to act on this variance application.

Mayor Ihrke stated that the drawings for the deck permit do not measure up.

Jody asked what is needed to resolve? The change of use was May 1 or May 17. The deck was built May 15. Cameron Johnson asks about the deck permit. Jody states that she has all the dates on any issues.

Renee Putzier stated that she cannot park close to the Post Office to get her mail because parking spaces on Main Street in front of the post office are taken by the business patrons.

The deck and variance are connected. The City would need to have a public hearing to adopt a new ordinance if need be.

Dave Iseminger made a motion to table the variance until the council has time to seek legal advice and determine if the variance ordinance needs to be amended and to determine a date for a new hearing .

Fred Suhler is requesting a meeting with Mayor Ihrke, council and the attorney for the City, to solve existing problems. Mayor Ihrke asked Mr. Suhler to set a date for this meeting. Mr. Suhler will let us know.

With no further business, a motion was made by Cameron Johnson to adjourn the meeting, seconded by Melinda Kieffer. All agreed. Motion carried.

Meeting adjourned at 8:14 P.M.

Karen Henry

Clerk of Dover