

**Barnesville Planning Commission  
Regular Meeting  
Monday, February 1, 2010**

The regular meeting of the Barnesville Planning Commission was called to order by Chairman Merlin Strom at 6:30 p.m.

Members present: Mike Detloff, Steve Mortensen, Merlin Strom, Pat Berndt, Margaret Follingstad, Paul Karsnia, Mike Rietz and Karen Lauer, Zoning Administrator.

Members absent: Brent Berg and Matthew Wever.

Others present: Tom Jensen, Rick Thompson, Mary Lou Thompson, Everett Mostue, Kathy Mostue, Idell Cihak, Ron Baebler, Delyle Fankhanel, Alex Fankhanel, Dean Ernst and Pam Aakre of the Barnesville Record-Review.

**AGENDA**

**2-1-10-01** Motion by Detloff and seconded by Mortensen to approve the agenda with the addition of Training Opportunities under Other Zoning Concerns. Unanimously carried.

**MINUTES**

**2-1-10-02** Motion by Follingstad and seconded by Karsnia to approve the minutes of the January 4, 2010 meeting. Unanimously carried.

**PUBLIC HEARING: REZONING REQUEST FROM DELYLE FANKHANEL**

**2-1-10-03** Motion by Berndt and seconded by Detloff to open the public hearing on the rezoning request from Delyle Fankhanel at 6:35 p.m. Unanimously carried.

Merlin Strom reviewed the public hearing process and noted that Delyle Fankhanel is requesting that his property be rezoned from R-2 to C-2. Strom stated that to avoid spot zoning concerns, the rezoning of the additional properties north and south of the Fankhanel property are being requested by the Planning Commission. Delyle Fankhanel reviewed the history of his property which he purchased in 1988. He noted that he has been paying commercial rates on electricity and taxes since that time. Fankhanel is requesting the property be rezoned so he can continue his current business on the property and maintain his own vehicles on the property. Fankhanel commented that possibly he should have requested a rezone to Industrial rather than Commercial so he would have fewer restrictions on his activities. Detloff asked if there are plans to open a repair business and Fankhanel indicated he only plans to work on his own trucks. Fankhanel asked why he is being charged commercial rates for city utilities and Strom indicated it is because his property is a commercial building located in a residential zone. Dean Ernst expressed concern that if all the proposed parcels were rezoned to commercial and more commercial businesses would open there could be increased traffic. The traffic could have an impact on his residential property usage and value. Kathy Mostue commented that the neighborhood had been quiet but there are trucks and vans parked on the Fankhanel property that are becoming an eye sore. Everett Mostue expressed concern with rezoning the parcels and wondered what could move into the properties. Mary Lou Thompson commented that her mother lives in the area. Thompson wondered if her mother's property was sold could it still be used as a home or would it become a business. Thompson also wondered if the rezoning would cause an increase in property taxes. Tom Jensen commented that he has heard truck noises at all hours. Jensen expressed concern that if the existing houses are torn down, what other businesses may come in. Jensen presented pictures of the condition of the property to the Planning Commission members for review. Ron Baebler commented that he hasn't seen anything really wrong with the Fankhanel property and that Fankhanel has tried to maintain the property. Dean Ernst commented that the discussion for this public hearing is a zoning request and that nuisance related concerns are handled on an ongoing basis through the police department. The City did not have an ordinance in the past regarding semi-truck parking but an ordinance now exists which does not allow the parking of semi-trailers. Semi-tractors may be parked on the property during

winter months only. Follingstad asked how many trucks are on the property and Fankhanel noted there are two tractors and two gravel trailers that are kept on site when not in operation.

**2-1-10-04** Motion by Detloff and seconded by Mortensen to close the public hearing on the rezoning request from Delyle Fankhanel at 7:20 p.m. Unanimously carried.

Karen Lauer noted that the rezoning request stemmed from conversations with Fankhanel and his desire to have semi-trailers on his property. If the property was rezoned to C-2 Fankhanel would be able to park trailers under the restrictions in the C-2 zone. The City is not able to rezone just the Fankhanel property because that would be spot zoning which is illegal. The Comprehensive Plan did not contemplate the notion of rezoning these parcels and the Planning Commission and the City are bound by the language in the Comprehensive Plan. Lauer noted that the staff recommendation is to deny the rezoning request.

**2-1-10-05** Motion by Detloff and seconded by Berndt to recommend to the City Council to deny the rezoning request of parcel numbers 50.575.1810 and 50.575.1820; 702 Front Street South parcels 50.575.3340, 50.575.1830, 50.575.1840, directly abutting Front Street from 6<sup>th</sup> Avenue to 8<sup>th</sup> Avenue; and the two parcels 50.575.1690, 50.575.1740 immediately south of 8<sup>th</sup> Avenue abutting Front Street from R-2, Urban Residential District to C-2 Commercial District. Unanimously carried.

### **PUBLIC HEARING: REVISED ACCESSORY BUILDING ORDINANCE**

**2-1-10-06** Motion by Mortensen and seconded by Detloff to open the public hearing on the revised accessory building ordinance at 7:32 p.m. Unanimously carried.

No public comments were received.

**2-1-10-07** Motion by Mortensen and seconded by Berndt to close public hearing on the revised accessory building ordinance at 7:33 p.m. Unanimously carried.

Karen Lauer reviewed the changes that were made in the ordinance following the discussion at the last Planning Commission meeting. Lauer noted that the proposed language will be more usable by staff and the public. It is necessary to revisit accessory structure ordinances on a regular basis due to the changes in structures.

**2-1-10-08** Motion by Mortensen and seconded by Follingstad to recommend to the City Council to approve Sec. 11.62 Accessory Structures in Residential Districts ordinance as follows. Unanimously carried.

**Subd. 1. Structure Placement.** No accessory building shall be erected or located within either a front or side yard, except that accessory buildings in residential districts may be permitted in the side yard behind the front building line of the principal structure, provided that the side yard setback required for a principal structure is maintained.

**Subd. 2. Ground Coverage/Permitted Structure Size.** For lots 10,000 square feet or under in area, the total floor area of any garage(s) and accessory buildings may not exceed 1,000 square feet; for lots over 10,000 square feet to 15,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,200 square feet; for lots over 15,000 square feet to 20,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,400 square feet; for lots over 20,000 square feet to 25,000 square feet the total floor area may not exceed 1,600 square feet; for lots over 25,000 square feet to 30,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,800 square feet; for lots over 30,000 square feet to 35,000 square feet the total floor area may not exceed 2,000 square feet and for lots exceeding 35,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 2,200 square feet; and in all cases the total floor area may not exceed the ground coverage of the dwelling, less any attached garage.

**Subd. 3. Lot Coverage.** No accessory building, structure, and/or detached garage for a single-family dwelling shall occupy more than twenty-five percent (25%) of the area of the rear yard. The total area of garages and accessory buildings for a two-family dwelling is limited to 750 square feet per unit.

**Subd. 4. Number of Structures.** No permit shall be issued for the construction of more than one accessory building and/or structure on any single lot except for an accessory building for storage not exceeding one hundred fifty (150) square feet in addition to a detached garage. Buildings such as gazebos, outdoor living

rooms and pool enclosures may be constructed in addition to the accessory buildings, subject to the lot coverage requirements.

**Subd. 5. Appearance of Structure.** Any accessory building which is over 150 square feet or located in the side yard must be similar in design, color and roof pitch as the primary structure located on the lot.

**Subd. 6. Construction type.** All accessory buildings must be erected on a permanent foundation or anchored to the ground. Storage buildings not on a permanent foundation must be skirted to prevent animals or rodents access under the building or built on a concrete footing.

**Subd. 7. Encroachment.** All buildings, including those of less than 120 square feet may not encroach into required easements.

**Subd. 8. Setback Requirements.** No buildings or accessory structures are allowed in required setbacks.

**Subd. 9. Height.** Accessory buildings of 150 square feet or less may not exceed ten (10) feet in height to the peak. No accessory building over 150 square feet shall be higher than the principal residence. The sidewalls may not exceed ten (10) feet.

**Subd. 10. Sequential Requirements.** No accessory building or structure other than a fence or temporary construction may be constructed prior to the time of construction of the principal building or structure.

**Subd. 11. Building Permit Required.** Any accessory building which is 120 square feet or larger is required to have a building permit before construction may begin.

## **POSSIBLE CUP REQUEST**

Karen Lauer reported that she and Mike Rietz are working with a party regarding the Layton property. No official action has been taken or requested at this time.

## **JOINT MEETING WITH PARK BOARD – MARCH 1**

Karen Lauer reported that the joint meeting with the Park Board has been rescheduled to March 1 due to the extensive Planning Commission agenda in February.

## **REVIEW DRAFT WIND ENERGY CONVERSION ORDINANCE**

Mike Rietz and Guy Swenson gathered sample ordinances and prepared the draft Wind Energy Conversion System ordinance. The ordinance will require WECS to be approved through the CUP process. The proposed language denotes anything above 5 KW as a commercial WECS. The regulation would basically take WECS out of residential zones. The application procedure requires a comprehensive list of materials that can be evaluated. The setback would be 125% of the total height of the structure which would give room for the structure to fall and remain on the owner's property. Follingstad asked if any information was received from system manufacturers. Rietz noted that manufacturers had not been contacted. The language had been written from the point of view of what would be good for the community. Rietz also commented that there are concerns with the noise, shadow and flicker created by WECS and that is why the application process is set up as it is. Follingstad questioned if 5 KW is the correct threshold for non-commercial WECS. Rietz indicated this threshold was taken from the Thief River Falls language. Missouri River Energy Services helped provide examples of ordinance language. In limited circumstances, WECS could be located in residential areas. Commercial WECS will need land and land with wind.

**2-1-10-09** Motion by Mortensen and seconded by Detloff to set a public hearing on the Wind Energy Conversion Ordinance for March 1, 2010. Unanimously carried.

## **ZONING ADMINSTRATOR CHANGE**

Merlin Strom reported that Karen Lauer will be doing marketing for the City of Barnesville. Mike Rietz will be taking over the Zoning Administrator duties. Lauer and Rietz will work together a period of time. Strom thanked Lauer for all her research and assistance to the Planning Commission.

## **PROPOSED FEMA CHANGES TO FLOOD INSURANCE RATE MAP**

Mike Rietz reported that the City has been notified by FEMA that the flood insurance map is being revised and comments may be made at this time. The Planning Commission reviewed the proposed map. The previous map and the proposed map appear to be very similar with very small changes.

## **BUILDING PERMIT LIST**

Buildings permits for January 2010 were reviewed.

## **OTHER ZONING CONCERNS – TRAINING OPPORTUNITIES**

Karen Lauer notified the Planning Commission members of training opportunities. Members should contact Lauer if they are interested in attending any of the training session.

The next Planning Commission meeting is Monday, March 1, 2010 at 6:30 p.m.

**2-1-10-10** Motion by Mortensen and seconded by Follingstad to adjourn at 8:35 p.m. Unanimously carried.

Submitted by:

Pat Berndt  
Planning Commission Secretary