

**REGULAR MEETING OF THE
PLANNING COMMISSION
CITY OF ST. AUGUSTA
Oct 3, 2022
7 PM**

CALL TO ORDER

APPROVAL OF AGENDA

VARIANCE - F STREET VARIANCE

VARIANCE - BROOKS VARIANCE

ADJOURNMENT

PUBLIC HEARING PROCESS:

- OPEN PUBLIC HEARING
 - STAFF PLANNER PRESENTATION OF APPLICATION & RECOMMENDATION
 - COMMENTS FROM THE PUBLIC AND/OR APPLICANT
 - CLOSE PUBLIC HEARING
 - PLANNING COMMISSION DISCUSSION/ACTION
-

Planning Commission Chair:
Planning Commission Members:

Glen Lommel
Brian Brown
Rick Christen
Ron Kraemer

Lee Meier
Jason Netland
Troy Voigt

**City Council may be in attendance at this meeting. No action will be taken on any of the agenda items at tonight's meeting.*

CITY OF ST AUGUSTA

PLANNING COMISSION MEETING

JUNE 29, 2022

- CALL TO ORDER: The meeting was called to order by Acting Chair Kraemer at 7 PM.
- PRESENT: Commission Members Voigt, Kraemer, Christen and Meier.
Adminstrator McCabe and Staff Rasmson. Mayor Zenzen, Council Member Genereaux, Francis and Nancy Kettner.
- APPROVAL OF AGENDA: The agenda was approved on motion by Christen, second by Voigt, all present voting aye.
- APPROVAL OF MINUTES: The minutes were approved on motion by Meier, second by Voigt, all present voting aye.
- PUBLIC HEARING: LANDWHER IUP

Lommel opened the public hearing at 7 PM.

Landwher is looking to renew their existing burrow pit. McCabe went through the resolution the city planner drew up. Landwher will need to meet all the conditions of the IUP. Administration will work with them to get a stormwater permit.

PUBLIC HEARING CLOSED AT 7:15

Christen made a motion to approve the IUP as amended, Voigt seconded, all present voting aye.
- MISCELLANEOUS: Knife River letter: Knife River sent a letter asking the city to look at its mining ordinance. They said after a lengthy process and time they felt the ordinance should be amended for future applications.
- ADJOURNMENT: The meeting was adjourned at 7:25 on motion by Christen, second by Meier, all present voting aye.

**CITY OF ST. AUGUSTA
STEARNS COUNTY, MINNESOTA
NOTICE OF PUBLIC HEARING
Monday, October 2, 2022
7:00 P.M. CITY HALL**

NOTICE IS HEREBY GIVEN: the Planning Commission of the City of St. Augusta will hold a public hearing to discuss an application for a variance submitted by F. Street Development. F Street Development is requesting they be allowed to build a structure higher than the normally allowed 35ft on property located at 24610 County Road 75. The hearing will be held on **Monday, October 3rd at 7:00 p.m.**

Please submit any written comments to the City Administrator/Clerk at the above address. Questions residents may have concerning these items may be addressed by contacting City Hall at 320.654.0387

By order of the City Administrator/Clerk, this 21st day of October, 2022.

William McCabe
City Administrator/Clerk



3315 Roosevelt Road
Suite 300
St. Cloud, MN 56301
P: 320.281.5493



September 29, 2022

Bill McCabe
City Administrator
City of St. Augusta, MN
1914 250th Street
St. Augusta, MN 56301

Dear Mr. McCabe,

Upon your request we have performed a review of the proposed 20-acre parcel provided by F Street Development located at 24610 County Road 75, St. Augusta, MN. The plan set dated September 12, 2022, provided by F Street Development is proposing to develop this vacant lot into an approximately 234,433 sq. ft. business warehouse. Along with the building the site will consist of a parking lot and stormwater storage/infiltration ponds.

It is Moore Engineering's, Inc. recommendation to approve this site plan with the following conditions

1. Applicant must continue to work with and obtain an access permit from Stearns County.
2. We have attached a site plan review checklist and expect that the recommended changes be made to the plan set.
3. Applicant must receive written approval from the City of St Augusta Fire department that there is adequate access to protect this building without turnarounds or access loop road along the east side of the building provided for the fire trucks.
4. Applicant shall in accordance with the City of St. Augusta's Stormwater Management Design Standards from March 7, 2017, any site over 5,000 sq. ft. must comply with the following:
 - a. Applicant must obtain a Stormwater Management Permit. No land disturbance or discharge of stormwater shall occur until this permit has been approved.
 - b. Applicant must prepare a SWPP plan (Submitted plan set is adequate)
 - c. The owner shall enter into a maintenance agreement with the City of St Augusta for stormwater management facilities.
5. Provide stormwater calculations for sizing infiltration area.

If you have any questions, please feel free to contact myself or Dan Elemes at 651-338-7986.

Sincerely,

Jeremy Boots, PE
City Engineer

CITY OF ST. AUGUSTA MEMORANDUM

To: Honorable Mayor and City Council Members
Planning Commission Members

From: Bill McCabe, City Clerk/Administrator

Date: September 29, 2022

Request: Request for a variance from the zoning ordinance.

GENERAL INFORMATION

Applicant/Owner: Stewart Brooks

Project Location: 2502 Gableview Circle

Existing Land Use /
Zoning: R-1, Suburban Residential District

Surrounding Land Use/
Zoning: North: R-1, Suburban Residential District
East: A-1, General Agricultural District
South: A-1, General Agricultural District
West: A-1, General Agricultural District

Comprehensive Plan: The St. Augusta (2001) Comprehensive Plan lists this area as an urban service area.

Deadline for Agency	Application Date:	9/21/2022
Action:	60 Days:	11/20/2022
	Extension Letter Mailed:	N/A
	120 Days:	01/19/2023

REQUESTED ACTION

The Applicant, Stewart Brooks, has requested a variance from setback of a detached shed being in front of the principle structure of less than the normally required 150'.

ORDINANCE AUTHORITY

Zoning Ordinance

Section 15.04.B.1 deals with detached accessory structures on lots smaller than five (5) acres and states: No accessory use, building, structure or equipment shall be allowed within a required front yard. With the exception of an attached garage, no accessory building, structure, use or equipment may be placed within a front yard on lots less than five (5) acres.

RECOMMENDATION

Staff recommends approval of the variance as strict enforcement of the ordinance would cause a practical difficulty or undue hardship to the property. Both standards can be summarized as follows:

Practical Difficulties Standard:

Strict enforcement would cause practical difficulties because:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
Met; the property owner's request to construct a detached structure closer to the front lot line is reasonable but not permitted by zoning code.
- (b) The plight of the property owner is due to circumstances unique to the property not created by the property owner;
Met; due to shape of the lot, slopes and low areas, there is not a reasonable other location on the property close enough to the existing house and electricity to build the detached structure.
- (c) The variance, if granted, will not alter the essential character of the locality;
Met; granting the variance would not alter the character of the locality in any way.
- (d) Economic considerations alone are not the basis of the practical difficulties
Met; the Applicant's primary reason for the request has to do with the area of the other potential areas for the garage.

1. In considering all requests for a variance and in taking subsequent action, the City staff, the Planning Commission and the City Council shall make a finding of fact that the proposed action will not:

- a. Impair an adequate supply of light and air to adjacent property.
Granting the variance would not impair adequate supply of light and air to adjacent properties.
- b. Unreasonably increase the congestion in the public street.
Granting the variance would not increase congestion.
- c. Increase the danger of fire or endanger the public safety.
Granting the variance would not increase the danger of fire or endanger the public safety.
- d. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Ordinance.
Granting the variance will not diminish the property values of the surrounding properties.
- e. Violate the intent and purpose of the Comprehensive Plan.
Granting the variance does not violate the intent and purpose of the Comprehensive Plan
- f. Violate any of the terms or conditions of Item 2, below.

2. A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:

- a. Undue hardship will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure or building involved:
 - 1) Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
There are special conditions of the property that include the shape of the lot and location of the existing primary structure.
 - 2) Undue hardship caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this Ordinance.
Cost of placing the detached structure in the front yard cannot be considered a factor in undue hardship consideration. The shape of the lot and proximity to electricity are the primary focus of granting or denying the variance.
 - 3) Special conditions and circumstances causing undue hardship shall not be a result of lot size or building location when the lot qualifies as a buildable parcel.
This condition refers mainly to principal structures. The lot size and building location have no bearing on if the lot is buildable or not.

b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance, or deny the applicant the ability to put the property in question to a reasonable use.

Enforcement of 15.04.B.1 denying the setback variance does prevent the Applicant from enjoying full use of his property. The applicants have proven a practical difficulty to placing on another area of the lot and proven the need for additional storage.

c. The special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.

The applicant did not create the shape of the lot.

d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

Building a detached structure is allowed so the variance itself would not be a "special privilege that is denied to other lands, structures or buildings" within the same district.

e. The request is not a use variance.

The variance requested relates to setback, not to allowance of a particular land use; therefore, it is not a use variance.

f. Variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.

The requested variance is the minimum necessary to allow the construction of the detached structure and the location will be placed no closer to the front lot line than necessary.

