

Planning Commission Meeting Minutes

Monday October 2, 2023 - 6:00 PM
Cologne Community Center, 1211 Village Parkway

Vision Statement

The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.

Chairperson:	Bernie Shambour
Commissioner:	Vickie Selness
Commissioner:	Jeri Bowers
City Council Liaison:	Carol Szaroletta
Commissioner:	Kevin Fafinski

NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 6:00 PM.

1. CALL MEETING TO ORDER & ROLL CALL

Chairperson Shambour called the meeting to order at 6:00 PM with Commissioners Selness and Szaroletta present. He then introduced Ms. Jeri Bowers to the group as the newly appointed Commissioner to fill the vacancy. Attorney Morschen administered the oath of office to Ms. Bowers. Commissioner Fafinski joined the meeting at 7:05 PM.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Szaroletta to adopt the agenda as presented, second by Commissioner Selness. Motion carried 4-0.

4. PLANNING COMMISSION BUSINESS

a. September 5, 2023 Planning Commission Meeting Minutes

Motion by Commissioner Selness to approve the September 5th, 2023 Planning Commission Minutes, second by Commissioner Szaroletta. Motion carried 4-0.

b. 209 Playhouse St E Variance Application

- i. Planning and Zoning Application Form
- ii. Collaborative Planning Comment Memo
- iii. 209 Playhouse St E Presentation

iv. PC Resolution 23-01 Denying Variance

Chairperson Shambour recused himself and passed the gavel to Commissioner Selness to run the meeting as he has an interest in the property at 209 Playhouse St East.

City Planner Cindy Nash reviewed the Variance Application for 209 Playhouse St E which is asking for an increase of the impervious surface coverage to 64% of the Shoreland Overlay District and the Ordinance requires that amount to be not more than 25%. The existing impervious surface is 50% based on the survey that was provided by the applicant. The purpose of the variance is to permit the construction of an addition to an existing building that is used for storage purposes in the C2 Zoning District. Storage is not an allowed use within that district making it a non-conforming use. It has been used for decades as storage and has been allowed to stay as storage, but based on the existing ordinance it is not allowed to expand.

The recommendation is to deny the variance as the building is not allowed to be expanded based on its existing use as storage. The applicant has provided several different proposed uses that are possible, but ultimately it is still a storage use and not allowed to be expanded.

Ms Nash covered a section of the existing ordinance on non-conforming uses and structures which states "if a non-conforming use is damaged by any cause to the extent that repair or replacement costs exceed 50% of the market value, the use or structure may not be replaced or repaired except to conformity with this chapter" and it appears that the repair costs associated with this project are likely to exceed 50% of the market value which is currently listed as \$13,800.

Both Ms Nash and Attorney Morschen stressed that State Statutes and current ordinances do not allow for expansion of non-conforming uses.

Attorney Morschen explained that for the Planning Commission to approve a variance they would have to find that the request shows there are practical difficulties – which is the standard set forth in Minnesota Statutes. The property owner has to propose to use the property in a reasonable manner not permitted by the zoning ordinance; and the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. The governing body may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. Storage is not a permitted use and a variance is not a mechanism that can be used to extend and approve the use to be expanded in the C2 district.

The acting chairperson Selness asked if Commissioners had any questions for either Ms. Nash or Attorney Morschen. There being none, Ms. Selness invited Mr. Shambour to give his presentation.

Mr. Shambour presented a history of the building and the desire to add an addition of 493 sq feet, stabilize the building and maintain the 1930's architecture. Lifting the building to add a foundation keeping the roof and walls attached. Half the building is dedicated to conforming use and the expansion would be used for conforming use as a workshop. He reviewed the questions in the Collaborative Planning Memo and provided answers to the issues raised in the memo, discussed shoreland boundaries, and holding ponds. He reviewed other building changes that have happened in the same area, believing that many are using their properties as storage.

Mr. Shambour explained that if the variance is denied he has other options including appealing the decision to the City Council, which if they deny as well he then could apply for an interim use permit.

Commissioners were then given an opportunity to ask questions. Many questions focused on the addition to the building as being the main issue.

Discussion was had regarding other properties that may not have gone through the correct process getting permits or allowed uses that are considered non-conforming. Ms. Nash added that the city may not have a budget to enforce building uses and code enforcement, but when a permit is pulled the regulations must be applied.

Attorney Morschen added that it is unfortunate that asking for something in the proper way does not get the desired outcome because rules must be applied. Now that these non-conforming issues within the city have been brought to the attention of the City, it may decide to take on the initiative and budget for code enforcement. In this case though, the law does not allow variances to be used to expand non-conforming uses. The question the Commission has to decide is whether the uses going on or the proposed use is allowed under the code, if it is not a permitted use allowed in the ordinance then it is not something that a variance can be granted for.

Commissioner Fafinski stated he appreciated the fact that Mr. Shambour was trying to improve the parcel and supported the project. Ms. Nash clarified that the building can be improved, but under the ordinance it can't be expanded.

Commissioner Szaroletta made a motion to adopt PC Resolution 23-01 Denying Variance, second by Commissioner Bowers. Motion carried 3-1 with Commissioner Fafinski voting no.

5. BOARD REPORTS

6. ANNOUNCEMENTS

7. ADJOURN

Motion by Commissioner Fafinski to adjourn at 6:58 PM, second by Commissioner Bowers. Motion carried unanimously.

Respectfully Submitted:

Michelle M Morrison

Michelle M Morrison, City Clerk

Attest:

Bernie Shambour

Bernie Shambour, Chairperson