

**PLANNING COMMISSION
MEETING MINUTES
MAY 15, 2018**

The meeting was called to order at 6:00 p.m. by Vice Chair Pete Branca. The Pledge of Allegiance was recited by those in attendance. Present for the meeting were Vice Chair Branca, Commission Members Kathy Meyer, Bob Whitmyer, John Hegstrom, Katie Vukelich, and Bill Rosenbush, Zoning Administrator Teresa Koivula, Deputy Clerk Toni Blomdahl, City Councilor Suzanne Herstad, and guests John Werner, Les and Shirley Koivula, Mark Koivula, Ray McClelland, Adam and Deb Jenson, Jeannie Ball, Jennifer Ball, Bob Quade and Greg Andrews.

PUBLIC HEARING CONDITIONAL USE PERMIT (CUP) KWIK TRIP: Pete read the rules for conducting this public hearing into the record.

Clerk Report: Toni stated that two people stopped in to inquire about the CUP. One was in support and one had no comment once they received more information on the request.

Zoning Official Report: Teresa stated the Board of Adjustment granted a variance previously for two signs and the dynamic portion of the signs requires a CUP. Teresa read the attached report into record along with her recommendation and proposed conditions.

Applicant: Scott Teigen, Vice President of Kwik Trip stated that Mayor Werner suggested Kwik Trip install two signs because of the location of the property and safety issues that would arise from people trying to see the sign as they are driving and having two signs would eliminate the need to have one sign in the corner that could obstruct driver's view approaching the intersection. Scott stated the dynamic signs would allow the public to know what products the store has to offer.

Testimony in support: Jeannie Ball, 4440 Martin Rd stated she lives next door and is in support of the CUP.

Testimony in opposition: None

Comments from commission members: None

A motion was made by John with a second by Katie to close the public testimony portion of the hearing. Motion carried with the public testimony being closed.

Discussion among the commission members: Pete read through the Findings of Fact below.

FINDINGS OF FACT

1. This matter is properly before the Rice Lake Planning Commission pursuant to Rice Lake Zoning Ordinance #22, Article V, Section 5.08C.5.
2. The property is zoned commercial.
3. The Applicant applied for a Conditional Use Permit to erect two dynamic signs upon the Property for use in a Kwik Trip convenience/gas station. The application was deemed complete by the City on April 19, 2018.
4. The Rice Lake Planning Commission held a properly noticed public hearing on the Conditional Use Permit application on May 15, 2018.
5. City Zoning Ordinance #22, Article VIII, Section 3.02 C., lists the criteria which must be met before a Conditional Use Permit may be granted. These criteria and the Planning Commission's findings regarding such criteria are as follows:

- a. The use conforms to the land use or comprehensive plan of the City.

The proposed use of dynamic signs is not inconsistent with the land use plan or comprehensive plan of the City.

- b. The use is compatible with the existing neighborhood.

All four corners of Martin Road and Rice Lake Road are zoned commercial. Dynamic signs are conditional uses in a commercial zoning district and are thus compatible with the existing neighborhood.

- c. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zoning district.

There is no evidence in the record to indicate that the dynamic signs will have any impact on properties in the surrounding area.

- d. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.

The City's Future Land Use Plan indicates that all properties adjacent to the proposed Kwik Trip will be developed in the commercial zone. The dynamic signs are proposed to be located in a major commercial corridor in the City and are desirable for the ensuing promotion of business within this commercial corridor.

- e. No conditional use permit shall be granted for a use not listed as a conditional use in the zoning district wherein the land is located.

The proposed use is a listed conditional use within the commercial district.

- f. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

The dynamic signs will help to inform the public of the location of Kwik Trip's entrances and the types of products offered for sale by Kwik Trip, which in turn will promote commerce and prosperity within the City. Dynamic signs are more modern in appearance, easier to update, and are able to provide more up to date information to the public than non-dynamic signs, and therefore promote the public health, safety, welfare and convenience.

CONDITIONS: The Rice Lake Planning Commission, pursuant to Rice Lake Zoning Ordinance #22, Article V, Section 5.08C.5., recommends that the City Council approve the Applicant's request for the issuance of a Conditional Use Permit for two dynamic signs, subject to the following conditions:

1. The double-faced Pylon with dynamic sign display shall meet the minimum of 10-foot setback from road right-of-way.
2. Number of dynamic signs not to exceed two (2) double faced panel signs and each sign shall be of the size and configuration on the sign pylon as shown on the attached Exhibit A.
3. Placement for the dynamic sign shall be limited to the specified locations according to the site plan attached as Exhibit B (Kwik Trip site plan sheet SP1 Revision #3, 04/12/2018).
4. The proposed dynamic sign, shall be attached to the Pylon post as shown on the attached Exhibit C (LaCrosse Sign Group drawing, Rice Lake Art #98473).
5. The property owner and/or lessee shall comply with all federal and state laws, and all Rice Lake City ordinances at all times while this Conditional Use Permit is in effect.
6. This Conditional Use Permit shall not be valid until the owner of the property joins in the application for this Conditional Use permit.

A motion was made by John with a second by Bob to recommend approval to City Council of the CUP with the above noted conditions. All vote in favor. Motion carried.

A motion was made by John with a second by Bob to adjourn the hearing. All vote in favor with hearing being adjourned at 6:31 p.m.

PUBLIC HEARING REZONE ADAM JENSON: Pete read the rules for conducting this public hearing into the record.

Clerk Report: Toni stated the office has not received any calls or letters on this matter.

Zoning Official Report: Teresa read the attached report into record along with her recommendation.

Applicant: Adam Jenson stated he started his business in 2006 with a Conditional Use Permit (CUP) and his business has outgrown the CUP so he needs to rezone. Adam would like to hire two more techs if the rezone goes through. Adam stated he submitted a landscape plan to screen the business from Rice Lake Rd a little more and plans an even row of blue spruce 7' tall. Adam stated his plan includes adding parking and he has a 4-yard dumpster that is emptied twice a month.

Testimony in support: None

Testimony in opposition: None

Comments from commission members: Katie asked if the screening included screening the property to the south. Teresa stated because Adam owns both lots, no screening is required but he will maintain the natural vegetation already in place. Katie asked about the parking area on the southern lot. Adam stated his plan is to create more parking on the parcel he is proposing to rezone and that parking area will not be used for the business. Bob stated he visited the property with the CUP and it is very nice but was wondering about the number of vehicles allowed on the property with the CUP and does that continue. Teresa stated the CUP goes with the land unless he violates one of the conditions, we cannot revoke the CUP. Teresa stated with this rezone, Adam will relinquish his CUP which will fix the issue of the maximum number of customer vehicles.

A motion was made by Bob with a second by John to close the public testimony portion of the hearing. Motion carried with the public testimony being closed.

Discussion among the commission members: Pete read through the Findings of Fact below.

FINDINGS OF FACT

1. The parcel is located in the Commercial Corridor according to the City of Rice Lake Comprehensive Plan and is consistent with the long-range goals to develop the Rice Lake Road corridor as commercial.
2. The City's Comprehensive plan recommends that Commercial uses of properties along Rice Lake Road are still the highest and best use of the corridor
3. The Rezone from Rural 1 to Commercial is consistent with the City's Comprehensive Plan by encouraging the rezoning of properties located directly on the roadway to Commercial.
4. The current use on the parcel complies with the allowable permitted uses for Commercial Zoning.
5. The property complies with the Dimensional Standards according to Zoning Ordinance #22, Section 2.01
6. That public notice was posted on May 1, 2018 and published in the Duluth News Tribune on May 2, 2017.
7. Rezone is to apply to above described parcel.
8. The proposed zoning is not spot zoning, which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive plan and without benefit to the community.
9. There is a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the land owner.
10. Beyond a public need being evident, there is a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.

Kwik Trip Varia. a Public Hearing

Date: May 15, 2018

	Name:	Address:	phone and/or email address:	X-speak
1	John WERNER	4845 STANISLAWA RD	mayer	X
2	Shirley Kairala	CITY OF RICE LK		
3	hes Kairala	CITY OF RICE LK		
4	MARK "	CITY OF RICE LK		
5	Randy McElroy			
6	Adam Jensen	5336 LC Rd		
7	Deb Jensen	" " "		
8	Bin Rosenbush	202 Ave		
9	John Duffell	Cahung Rd		
10	Jamie Reed	4440 Martin RD	Sophie 3E Carol	
11	John Bave	4448 Martin RD	218-341-2816	
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