

**New York Mills Zoning Committee
Regular Meeting
February 8, 2013
1:00 p.m.**

CALL TO ORDER AND DETERMINATION OF A QUORUM

The regular meeting of the New York Mills Zoning Committee was called to order at 1:07 p.m. in the City Hall Council Chambers, New York Mills, Minnesota, all members of the Committee having been notified of the meeting. A quorum was present.

Members Present: Chairperson Dianna Wallgren, Jason Schik, Jann Lee, Greg Imsande

Members Absent: Mike Parta, Ken Peltier

Staff Present: Zoning Administrator Dave Delaney, Administrative Assistant Cheri Kopveiler

Call to Order: The regular February meeting of the New York Mills Zoning Committee was called to order at 1:07 pm by Chairperson Dianna Wallgren. **A quorum was present.**

Approval of Minutes: **A motion was made by J. Lee to approve the minutes of the September 25, 2012 meeting, seconded by G. Imsande and carried without a dissenting vote.**

Old Business: A. Recap of Zoning Permits-

Chairperson Wallgren presented a recap of zoning permits issued in 2010, 2011, and 2012. She pointed out that zoning projects have increased from \$181,188.00 in 2010, to \$1,813,974.00 in 2011, and finally, \$3,177,820.00 in 2012. Wallgren felt this was very exciting to see the growth in New York Mills and pointed out that there are several large projects on the horizon for 2013 as well.

B. In-Home Businesses—

The Zoning Committee discussed how to determine the allowable square footage for in-home businesses if the business is conducted in an accessory structure. Currently the ordinance states that 25% of the square footage of the home OR accessory structure can be used for a home business. Discussion ensued. Members agreed that the percentage should be of a combined square footage of the primary structure and/or accessory buildings being used for the occupation. Paragraph 6 of page 17 will be amended. A portion of the paragraph which states: "...and no articles for sale shall be displayed so as to be visible from the street. Also the conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than signage." The committee discussed this portion and agreed to strike it from this paragraph. The wording on page 28 will be used on page 17 as well as page 28, which reads, "Operation of the use shall not be noticeable from any existing dwelling on an adjacent lot (including but not limited to lights or other displays visible

from the exterior of the structure) to the extent that it changes the essential residential character of the principal use and neighborhood. “

Recess for Public Hearing:

The Zoning meeting was recessed at 1:28 pm for a Public Hearing.

Call to Order:

The Public Hearing was called to order at 1:30 pm. by Chairperson Dianna Wallgren. **A quorum was present.**

Chairperson Wallgren read the written request from Lund Boat Company, signed by President Dirk Hyde, which requested that the parcel located at 306 West Gilman Street be rezoned from its current classification of RBC (Residential B Commercial) to CI (Commercial Industrial). She also stated that no written objections were received nor were any objections received via phone before the hearing. The only individual from the public present at the public hearing was Mike Freeman of Lund Boat Company. The proposal is being requested to change the above mentioned parcel which was recently acquired by Lund Boat Company to CI to coincide with all other neighboring parcels owned by them. This parcel was previously classified as CI, but was changed in 2007 to RBC to comply with the family’s mortgage requirements. The existing home and accessory structures on the lot are being auctioned off and will be removed this spring. The exact use of the parcel is yet to be determined, but it is planned that it will be used for warehouse storage or parking.

Closing of Public Hearing:

Hearing no further discussion and with no objections being expressed, the Public Hearing was adjourned at 1:40 p.m.

Zoning Meeting Reconvened:

The Zoning meeting reconvened at 1:41 pm.

New Business:

- A. Discussion on Rezoning Request for 306 West Gilman—Recommendation to City Council—

Upon consideration of the information reviewed at the Public Hearing, a motion was made by Jason Schik for the New York Mills Zoning Committee to make its recommendation to the City Council amending the zoning classification for the parcel at 306 West Gilman Street to Commercial Industrial (CI). Motion was seconded by Greg Imsande and carried without a dissenting vote. A resolution will be presented to the City Council at their next regular meeting.

Old Business Cont.

C. Wordage in Commercial Section Regarding Sandpoints—

Chairperson D. Wallgren asked that the Zoning Committee look at Page 68 of the Zoning Ordinance, Section DD, Paragraph 2. She asked that a correction be made in the wordage, removing the words “on private property” from the sentence. The zoning committee agreed.

D. Information from Jed Burkett/LMC Land Use Attorney—

Chairperson Wallgren directed members to a memo included in their packets regarding a discussion with LMC Land Use Attorney Jed Burkett regarding art sculptures, murals and billboards. Burkett felt that unless the City does something to address these items, they would be considered accessory structures and would be regulated by the zoning ordinance. He cautioned that the City may get into trouble determining what is expressive activity. He also cautioned against allowing these items on private property. His other concerns were to be consistent, and be careful about allowing public space for private use. He said the City should not have to evaluate the content of murals and signs, and felt that in most cases, a mural would be considered a sign. City Attorney Happel disagreed with this statement when asked, unless it includes phone numbers or wordage to advertise. Burkett stated that we may decide not to address it at this time, but more and more communities are running into this issue. Another option is to issue mural permits, as the City of Portland, Oregon does. If a mural is painted on or attached to a building and is not owned by the property owner, it may be a billboard, and thus, not allowed according to our ordinance. One suggestion was to allow art on public property, and limit it to pieces commissioned by an accredited arts organization. This would remedy placement of just any item and calling it “art”. City Attorney Happel suggested allowing these items by assessing them through the conditional use process and charging the appropriate fees. Chairperson Wallgren pointed out that this process is rather expensive; furthermore, the process for a conditional use permit is quite detailed, including the need for a public hearing, publication, notification of property owners within 350’ and recording of the permit, which follows the land permanently.

The Zoning Committee discussed billboards. In the past, there was a definite opinion that they should not be allowed in city limits, and a billboard ordinance was put into place in 1996. In the past, it was thought that it was in the City’s best interest to not allow billboards as signs could be placed in city limits promoting a community down the road and encouraging people to shop somewhere other than New York Mills. Presently, there have been discussions regarding the EDA’s desire to promote New York Mills to stir economic development and encourage housing development. Because the City has a billboard ordinance in place, the City is restricted from placing signs not only in city limits, but also outside city limits because they have one in place. Discussion ensued. Zoning members discussed whether they could restrict the type of sign or give a lower rate to taxpaying members of the community to put up a billboard.

Chairperson Wallgren asked members to give these issues some more thought before the next meeting. Discussion will be ongoing.

- E. Resignation of Julie Gerber from Zoning Committee/Recommendation to Replace—

Chairperson Wallgren stated that Julie Gerber has resigned from the Zoning Committee upon her election as Mayor. Zoning Administrator Dave Delaney reported that he spoke with Tim Johnson, owner of NYM Spine Clinic, who has agreed to serve on the committee in place of Gerber with the Zoning Committee's approval. Discussion ensued.

A motion was made by J. Lee and seconded by J. Schik to recommend to the City Council that Tim Johnson be appointed to the NYM Zoning Committee, replacing Julie Gerber. The motion was carried without a dissenting vote.

Zoning Administrator's Report:

Casey's Update—

Zoning Administrator Dave Delaney reported that the project is moving along nicely and Casey's has set their opening date at April 4th. Casey's representatives have expressed their appreciation to the City of New York Mills for their cooperation and support.

Sign Height—

D. Delaney asked the Committee to consider the restrictions for sign height in commercial areas. He asked if anyone was aware of why the limit was set at 35' and pointed out that a taller sign may be practical in areas such as the Hwy 67 overpass area. This can be looked into at the next meeting.

Wood burning Stoves—

Zoning Administrator Delaney reported that the City had received an inquiry to place a wood burning stove in the residential area of Park Street and Tousley Avenue. With the height of neighboring structures, it would not be allowed.

Other New Business—

Chairperson Wallgren stated that several online training seminars are available through the League of Minnesota Cities. Training can be done in the convenience of the member's home and at their convenience. The cost is \$30 per person, per course. There are currently three courses available. Wallgren encouraged everyone to consider taking the course. Costs will be reimbursed by the City.

Next Meeting Date:

The next meeting of the Zoning Committee will be held on Tuesday, March 26, 2013 at 1:00 p.m.

Adjournment: **The meeting was adjourned by Chairperson Dianna Wallgren at 2:35 pm.**

Respectfully Submitted by,

Cheri Kopveiler
Administrative Assistant/Zoning