Chatfield Planning and Zoning Commission
Meeting Agenda

Monday, October 7, 2019
7:00 p.m.
City Council Chambers
Thurber Community Building

I. Planning & Zoning – October 7, 2019 7:00 p.m.

II. Regular Meeting - Consider and Approve the Meeting Agenda (pg. 1)

III. Approve Prior Meeting Minutes (pg. 2-7)

IV. Gjere Property – Sidewalk Discussion (pg.8-10)

V. Modified TIF No. 3 Discussion & Resolution (pg.11-18)

VI. Transient Merchants Discussion (pg.19-22)

VII. Adjourn
The Planning & Zoning Commission of the City of Chatfield met in regular session on Monday, August 5, 2019. Vice-Chair Bob Cole presided and called the regular meeting to order at 7:00 PM.

Members Present: Commissioner Lee Amundson, Commissioner Terry Bradt, Commissioner Josh Broadwater, Commissioner Bob Cole, Commissioner Wayne Halvorson and Commissioner Dan Tuohy

Members Absent: None

Others Present: Kristi Trisko

Public Hearing – R1 to allow townhomes.

Commissioner Tuohy entered a motion, with a second by Commissioner Bradt, to open the public hearing at 7:02 p.m.

Ayes: Commissioners: Amundson, Bradt, Broadwater, Cole, Halvorson and Tuohy
Nays: None
Absent: None.
Motion carried.

Kristi Trisko provided an overview; in April and May, the Commissioners visited with residents about allowing a townhome on Winona Street while keeping the R-1 Zone. It was suggested by the residents and the Commissioners that staff move forward with a review and some suggested language to include townhomes or twin homes back into the R-1 Zone. Ms. Trisko notified the City residents of the Commissioners intent to discuss this issue in the local paper on July 24, 2019.

No members of the public were in attendance.

Commissioner Amundson entered a motion, with a second by Commissioner Tuohy, to close the public hearing at 7:04 p.m.

Ayes: Commissioners: Amundson, Bradt, Broadwater, Cole, Halvorson and Tuohy
Nays: None
Absent: None.
Motion carried.
Regular Meeting – Consider and Approve the Meeting Agenda

Commissioner Broadwater entered a motion, with a second by Commissioner Halvorson, to approve the agenda as presented.

Ayes: Commissioners: Amundson, Bradt, Broadwater, Cole, Halvorson and Tuohy
Nays: None
Absent: None.
Motion carried.

Approve the Prior Meeting Minutes

Commissioner Tuohy entered a motion, with a second by Commissioner Bradt, to approve the May 6, 2019 meeting minutes as presented.

Ayes: Commissioners: Amundson, Bradt, Broadwater, Cole, Halvorson and Tuohy
Nays: None
Absent: None.
Motion carried.

R-1 Zone to Allow Townhomes

Ms. Trisko went through her research of eight (8) neighboring communities to found that 7 out of 8 of them allowed townhomes in their R-1 zones as either permitted or conditional. Most of the other cities had also simplified their definitions. Ms. Trisko then provided some suggested text changes that would allow townhomes into the R-1 Zone. The attached text outlines allowing (attached dwellings) i.e. townhomes/ twin homes/ duplexes as permitted uses within the R-1 Zone if they meet the standards within the R-1 Zone.

Sec. 113-182. - Single-family residential district (R-1).
(a) Purpose. The R-1 district is intended to allow low-density development of single-family dwelling units in developing portions of the city where city sewer and water is available. Where available, all dwelling units in an R-1 district shall be required to connect to city sewers.

(b) Permitted uses. The following are permitted uses for property zoned single-family residential:

(1) Single-family detached dwellings.

(2) Single-family attached (duplex) dwellings.
(4) **Lot area.** The minimum lot area shall be 9,000 square feet for single-family attached and detached structures.

(5) **Lot width and depth.**
   a. The minimum lot width shall be as follows:
      1. Single-family detached: 75 feet at the building line and 45 feet at the street line. Lots platted at 60 feet in width prior to the adoption of the ordinance from which this chapter is derived shall be considered as meeting the minimum lot width.
      2. Single family attached Two-family: 80 feet at the building line and 50 feet at the street line.

Sec. 113-183. - Multifamily residential district (R-2).

(a) **Purpose.** The R-2 district is intended to provide for the development of desirable residential neighborhoods, characterized by a higher density of development.

(b) **Permitted uses.** The following are permitted uses for property zoned multifamily residential:
   1. Any permitted use allowed in the R-1 district.
   2. Single-family attached and detached and two-family residential dwellings and duplexes.
   3. Zero-lot line homes, either detached or with common walls, to a maximum of two units per structure.

Sec. 113-1. - Definitions.

**Dwelling, attached,** means a dwelling which is joined to another dwelling or building at one or more sides by a party-wall and includes separate cooking and bath facilities.

**Dwelling, detached,** means a dwelling which is entirely surrounded by open space on the same lot with no common party-walls.

**Dwelling unit** means a building or portion of a building designed for residential occupancy with a continuous frost-free footing, including attached, detached, and multiple-family units, but not including hotels, motels, boarding or lodging houses. A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boardinghouses, roominghouses or tourist homes. There are three principal types of dwelling units:
(1) *Dwelling, attached* (single-family) means a residential building containing two dwelling units with one common wall occupied by only two families, with separate housekeeping and cooking facilities for each.

(2) *Dwelling, detached* (single-family) means a building containing only one dwelling unit surrounded by landscaped area or yard on all sides. The building must be anchored, attached, and supported by a permanent frost-depth foundation system. The building on the first floor above grade must have a minimum dimension of at least 20 feet over at least 50 percent of the total first floor area of the building. Said required minimum dimension is measured between the outside of the nonintersecting perimeter wall sections of the building along a line perpendicular to the nonintersecting walls. The building must have either a supporting perimeter wall foundation, or if a nonperimeter foundation system is used, the supporting foundation system must be permanently screened from view along the front wall of the building and over at least 50 percent of the length (depth) of the intersecting side walls, measured from the front wall toward the rear of the dwelling. A perimeter screening wall system of finished masonry construction or a screening wall system of the same exterior material as the exterior finish of the dwelling may be used. The screening must extend from the base of the building to the adjacent finished grade. If the building is not constructed or placed on the site in accordance with the adopted state building code, the building must meet the provisions of law as a manufactured home. Nothing herein shall prevent a manufactured home that meets the criteria in this definition from being considered a single-family detached dwelling.

(3) *Dwelling, multifamily or multi-family* means a residence designed for or occupied by three or more families, either in a typical house, or in an apartment-type building, with separate sanitary and cooking facilities for each family.

Commissioner Halverson asked if the allotted 9,000 s.f. per lot be for both units (one townhome)? If so, will that still be compatible with other single-family lots? Ms. Trisko stated that the total maximum lot coverage will not change so the visual density of the lot and building will look similar.

Commission Bradt asked if the others thought that the single-family definition was overly complicated or already covered by the building code or should cover all dwellings not just single family homes? Ms. Trisko, and the other Commissioners reviewed the text and agreed with Commissioner Bradt. Ms. Trisko stated that she will work with Jay Kruger at CMS to
review the definition and eliminate the overly complicated text if covered in the building code and move the necessary 'dwelling' definition out of the single-family section and into the dwelling section where it belongs. Ms. Trisko will fix this issue before forwarding to City Council for their review and decision.

**Commissioner Broadwater entered a motion, with a second by Commissioner Tuohy,** to forward the suggested R-1, R-2, and definition suggestions along with a revised dwelling unit definition to City Council for their review.

**Ayes:** Commissioners: Amundson, Bradt, Broadwater, Cole, Halvorson and Tuohy

**Nays:** None

**Absent:** None.

**Motion carried.**

**Planning Project Updates & Discussion**

Ms. Trisko updated the Commissioners on the following items:

The Hawley Alley Vacation was agreed to by all property owners (nine in total). Moving on to the Public Works Committee for their final review on August 12th and then to set a public hearing for their August 26th meeting. There was some discussion about the location of this alley and that no public or private utilities were in this alley.

The Fillmore and Olmsted County FEMA mapping and floodplain ordinance was completed and approved by FEMA and the MnDNR in July.

The City of Chatfield was awarded the SRTS Planning Grant by MnDOT and is scheduled to get started in August. Trisko will let the Commissioners know more about this project as it rolls out from the Alta Planning during our September meeting.

The Dollar General project is moving forward. Twiford’s R.O.W. has been mostly resolved. Trisko has reviewed the site plan and the plan set is now under review from CMS.

Ms. Trisko described the last few years’ approved accessory garages that have been built as pole buildings in Chatfield and explained that the City has received a few questions about allowing Shouses or pole building houses in RR or R-1 zones in town. Trisko further explained that shouses may or may not be defined clear enough in our current zone to allow or deny them and that we should start a conversation about whether or not we should allow them and then tackle some ordinance review and potential rewrites to more accurately define our intentions towards Shouses.

Trisko outlined the following points:

- Is there a conflict with storage or residents? Big space for shed/garages with a little space for residents?
- Exterior façade (siding, roofing, windows, etc.)
• Long term construction value / resale value
• Neighborhood compatibility

The Commission requested that staff move forward to review all City Code involved in the definition of a dwelling as well as a review of the R-1 and RR zones to potentially allow Shouses in the RR Zone (West Chatfield) but do not allow them in the R-1 Zone. Ms. Trisko will move forward with her review and provide the Commissioners with her findings during the next meeting.

September’s Meeting Date

Ms. Trisko pointed out that the first Monday in September (September 2, 2019) was Labor Day and she is unavailable for a Tuesday make up as well.

After a brief discussion, several Commissioners stated that they were not available for a September meeting either Monday or Tuesday. The Commissioners determined that staff should cancel the September meeting if no items were submitted that required a public hearing. If a public hearing were scheduled, a meeting can be held on Wednesday, September 4, 2019. Trisko will email the Commissioners when the meeting is scheduled or cancelled.

Adjourn

Commissioner Amundson entered a motion, with a second by Commissioner Bradt, to adjourn at 7:48 p.m.

Ayes: Commissioners: Barry, Bradt, Halvorson and Tuohy, Broadwater, Cole
Nays: None
Absent: None

Motion carried.
October 1, 2019

City of Chatfield
Attn: Kristi Trisko, City Planner
21 2nd Street SE
Chatfield, MN 55923

Re: Gjere property – phase 1 – west of Mill Creek Road, north of Division Street

Dear Mrs. Trisko,

This letter is in regards to the subdivision originally proposed as Mill Hill Subdivision. The original plan for cutting the material out and constructing houses with tuck-under garages is not desirable. We have reviewed different options and landed on one which involves a single frontage private drive which orients the lots such that the back yards face Mill Creek Road. If one were to cut a cross section from Mill Creek Road, the walkout elevations of the buildings are approximately 20 feet in elevation above the curb of Mill Creek Road with the drive and garages in excess of 25 feet in elevation above Mill Creek Road.

During discussions with the City with regards to this layout, it was brought to our attention that the City intended for the sidewalk to be built in the westerly right of way of Mill Creek Road. It is my opinion that the original plan for the sidewalk on the east side of Mill Creek Road is a better option. This was depicted on the Mill Creek Road construction plans from 2001.

An alternative option would be to provide a striping plan which designates the westerly portion of Mill Creek Road for bike/walkway. The distance from centerline to face of curb is 18 feet. The westerly curb could be signed for no parking. It is not likely that the residents and visitors of the lots being developed would use Mill Creek Road for parking considering the walkout elevations differences from Mill Creek Road to the houses.

Please schedule this for review at the next Planning and Zoning meeting. If further discussion is required, we would like to address it prior to commencement of grading/development of the Gjere land.

Best Regards,

Mark R. Welch, P.E.
Memo

To: Planning & Zoning Commission
From: Kristi Trisko, Consultant Planner
Date: October 1, 2019
Re: Modification to Development District No. 3

Background: Mike Bubany from David Drown Associates, Inc. (Public Finance Advisors) has asked that the Planning Commission review the attached Development Program for Municipal Development District No. 3 and determine if anything within this document is contrary to the City’s Comprehensive Plan.

The purpose of this document is to allow the City to legally use excess tax increment from the Lone Stone Subdivision to assist lots within the Amco Subdivision.

Chatfield’s 2015 Comprehensive Plan Goals:

Goal 1  Encourage orderly and harmonious development through the enforcement of sound plans and implementation programs.

Allowing TIF District No. 3 to expand to all the properties within City limits in Fillmore County will encourage orderly and continued development within the city and will help promote the City’s Comprehensive Plan Goal #1.

Staff Recommendation: The Development Program for Municipal Development District No. 3 complies and promotes the goals within the 2015 Chatfield Comprehensive Plan. Staff recommends that the Planning & Zoning Commission approves the attached resolution and forward to City Council for their review.
City of Chatfield, Minnesota
(Fillmore County)

Modification of Development Program for
Municipal Development District No. 3

Public Hearing: October 28, 2019
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Modified Development Program for Municipal Development District No. 3

Amended Sections Only

Introduction
On March 25, 2002, the City of Chatfield (the “City”) adopted the Development Program for Municipal Development District No. 3. The original Development Program allowed the City to adjust the boundaries in the future.

The City of Chatfield has determined it is in the public interest to expand the boundaries of Municipal Development District No. 3 to further allow the pursuit of the objectives listed in Section 2.03 of the Development Program. While all of the listed objectives will be pursued, the catalyst for this modification is to encourage and provide assistance for residential development, including single and multifamily housing accommodations for low- and moderate-income families.

Sections of the Development Program are amended as follows:

Section 2.04 Boundaries of the Development District
The property within the City that constitutes Municipal Development District No. 3 is hereby expanded to include all property within the City’s corporate limits (Fillmore County) as may be amended from time to time.

The City reserves the right to adjust the boundaries of the Development District in the future.
Exhibits

Map of Municipal Development District No. 3 ............................................................................................................ Exhibit 1
*The boundaries of Municipal Development District No. 3 are coterminous with the corporate limits of the City of Chatfield in Fillmore County
Pursuant to due call and notice thereof, a regular meeting of the Planning & Zoning Commission of the City of Chatfield, Olmsted and Fillmore Counties, Minnesota, was duly held at City Hall on the ________ day of ___________, 2019, at 7:00 p.m. for the purpose, in part, of making a recommendation to the City Council on the modification of Municipal Development District No. 3.

The following Commissioners were present:

And the following were absent:

Commissioner ____________________ introduced the following resolution and moved its adoption:

RESOLUTION RECOMMENDING APPROVAL
OF THE MODIFICATION OF MUNICIPAL DEVELOPMENT DISTRICT NO. 3

WHEREAS, the Planning & Zoning Commission has reviewed the documents relating to the proposed modification of Municipal Development District No. 3 and the modification of the Development Program relating thereto;

WHEREAS, the Planning & Zoning Commission has been asked to provide a recommendation to the City Council regarding the modification and adoption of the same;

NOW THEREFORE BE IT RESOLVED by the Planning & Zoning Commission of the City of Chatfield, Olmsted and Fillmore Counties County, Minnesota (the "City"), as follows:

1. The proposed development of the project area as described in the modified Development Program will serve to complement the City’s plans for creation of development opportunities in the City, and serves to promote the City’s development objectives.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner ____ ___________ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.
STATE OF MINNESOTA  
CITY OF CHATFIELD  
OLMSTED AND FILLMORE COUNTIES

I, the undersigned, being the _________________________________ of the Planning & Zoning Commission of the City of Chatfield, Minnesota, DO HEREBY CERTIFY that the attached resolution is a true and correct copy of an extract of minutes of a meeting of the Planning & Zoning Commission of the City of Chatfield, Minnesota duly called and held, as such minutes relate to the modification of Municipal Development District No. 3.

WITNESSED:

______________________________  
Date
Memo
To: Planning & Zoning Commission
From: Kristi Trisko, Consultant Planner
Date: October 1, 2019
Re: Transient Merchants

Background & Mr. Rowland Letter: See attached letters.

Staff Review: There is limited language about long-term or short-term ‘vendors’ either on private property or during special events within City Code. There is a $10 transient merchant fee, but no real language that defines what is covered in this fee.

I am aware of several private vendors that have done business within the City from time to time. We have the vegetable stand at the corner of Main and First Street in the Verizon parking lot and have had an occasional food vendor in the parking lot at Sunshine Food. These vendors have been operating on commercial sites where additional or mixed uses are permitted so they have been permitted on these sites. I have also talked with a local resident that wanted to set up an ice cream truck during the warm summer months. This hasn’t moved forward, but the idea may come up again.

As for the direct issue at hand, as a privately-run function, the city’s only current role is to approve the use of City Park for the various events during Western Days. The Western Day’s folks approve who is allowed as vendors within that space. Perhaps it could be suggested to them that they promote a marketing strategy for “supporters” with some logo or signage demonstrating vendors that are supporters so that folks attending the event can make their own decisions about who they want to patronize. I would recommend getting input from our attorney if this group would like to discuss regulating the who’s and where’s on public property for a private event.

Staff Recommendation: I would recommend that we determine if we should regulate food vendors on private property to a greater extent than we currently do, not just for special events, but for year round use, and if so, research this issue and draft some potential language for City Council for review.
MEMORANDUM

TO: CHATFIELD ECONOMIC DEVELOPMENT AUTHORITY
    CHATFIELD PLANNING & ZONING COMMISSION
FROM: JOEL YOUNG, CITY CLERK
SUBJECT: STREET VENDORS
DATE: 8/28/19
CC:

Action Requested: Provide input to the City Council regarding the concept of regulating street vendors.

Background: Recently, the City received a letter, which is included with this memo, from Steven D. Rowland as Co-Chair of Western Days, Inc. in which Mr. Rowland asked the City to develop regulations to control street vendors. As you will see, Mr. Rowland expresses the concern that these vendors represent a threat to the viability of the Western Days celebration as well as threatening the viability of brick and mortar businesses throughout the year.

The city council has reviewed this letter and would appreciate the input of the EDA and Planning & Zoning Commission in regard to these concerns. While there is no question that street vendors might make an impact on other retailers, it is also clear that produce stands, food trucks, and other itinerant businesses are part of the fabric of most communities. While Mr. Rowland doesn’t seem to object to the existence of these businesses, he does seem to think that the lack of a property tax on these businesses, or the lack of a fee that would get paid to Western Days, tilts the playing field in favor of street vendors at the expense of the established brick and mortar businesses.

At this point, the city council does not seem to be particularly interested in developing new regulations but will make a final decision in that regard after getting your input. They would rather see some sort of community-oriented discussion about these issues and, to some extent, your input will represent part of that discussion. At your next meeting, or two, it would be helpful if the EDA could consider the issues raised in Mr. Rowland’s letter as they relate to developing and maintaining a healthy business atmosphere in Chatfield, and if the Planning & Zoning Commission could consider those same issues as they relate to permitted uses, performance standards, and any other aspects associated with zoning and development.
Chatfield City Council:  
August 17, 2019

I would like you to address a situation that I feel is a growing problem in our Chosen Valley community. That “problem” is the growing number of “street vendors” that seem to set up, wherever they want, and sell their products. I would not be surprised that these “street vendors” pay the property owner a fee, but I feel that something should be done about them. These “street vendors” take away business from our long established permanent business in Chatfield!

I do not feel that this is fair to our businesses that support our Community in so many, many different ways. Admittedly, as Co Chair of our Chatfield Western Days, my concerns are also intended to address concerns that have long since “plagued” our Chatfield Western Days and the continuation of this premier Southeastern Minnesota event. The money that perpetuates the continuation of our Wonderful Annual Celebration comes, in a large part, from our not for profit Western Days Vendors in the City Park. These vendors have agreed to pay Chatfield Western Days **15% of their GROSS** to help fund this event! Vendors include many local business and organizations. The Chatfield Catholic Church, the Methodist Church, St. Paul Lutheran Church, JW’s Silver Grill, R-4 Meats to name a few. These organizations often use Chatfield Western Days as their biggest “fundraisers” of the year. The food stands are manned by our very own citizens of Chatfield. Chatfield Western Days also brings several “out side food vendors” who must be sponsored by a “local not for profit” organization to be allowed in our City Park during Chatfield Western Days. We take great pains to not have duplicate food items for sale in the park. These vendors also agree to pay the same **15%** of their gross to Chatfield Western Days.

I feel that is extremely necessary for the Chatfield City Council to address this problem for the sake of our businesses, Chatfield Western Days and the many organizations that participate in Chatfield Western Days. Each year we have more “street vendors” that take away money and business from the Chosen Valley. They sell many of the same food items that our “authorized vendors” sell in the park. A prime example of this is the area adjacent to Dave’s Barber Shop. Each year “Stumpy’s” from Rushford sets up their stand on Dave’s “private property” and does a **HUGE** amount of business, directly taking business and funds from the “local” Chatfield Western Days authorized food vendors. We have absolutely “no control” over these vendors as Dave has often reminded us that it is, in fact, “private property”. Chatfield Western Days attracts thousands of people for each Western Days and these “street vendors” “take the money and run”! We argued with “Stumpy’s” for years, and they now give $300 to $400 to Western Days. A conservative estimate of their “take” from the 2019 Western Days is **$10,000.00** so, they are making out like a “Bandit”. A great “gig” if you can get it. Dave’s corner continues to “expand” each year with “unauthorized food vendors”. The Hanson Girls Concession stand sets up right next to Stumpy’s and helps to “drain” the
funds needed to perpetuate Chatfield Western Days! This year saw an additional “smoothie stand” as well as a stand by the local Chinese restaurant. We normally receive a “pittance” from the Hanson Girls food stands but we do not expect anything from the other two concession stands, as well as “several” other “street vendors” cashing in on the Chatfield Western Days committee exhaustive work of organizing and paying for this superlative event. We see unauthorized stands popping up and down Main Street during Western Days as well doing business “every day” on various sites in Chatfield.

I feel it is an absolute necessity that the Chatfield City Council addresses this ever expanding problem for the local businesses as well as Chatfield Western Days. I feel that some sort of “licensing” should be implemented so that we can avoid any “Tom, Dick or Harry” from conducting their business in Chatfield. All of our “local” businesses pay taxes, as do all of their employees, and to allow this “travesty” to continue is a “slap in the face” of local business as well as the Chatfield Western Days. We need a conscientious plan that totally eliminates these “street vendors” from conducting business, for profit or non profit, in our Community with out the proper “authorization” from our governing body, the Chatfield City Council.

A resolution to this problem is long overdue and I hope that the Chatfield City Council will create a strong ordinance or licensing procedure to help our Community. These vendors continue to “take food off the table” of our local business as well as jeopardizing the future of our very own Chatfield Western Days. I believe that “food trucks” are in our future and in fact, have already been doing business in Chatfield in the past. I am not sure what these “street vendors” have for insurance and believe that the City of Chatfield may be “at risk” if there is an “incident” that may happen in the future with their products. Authorized Western Days Vendors must have proper licensing as well as Insurance to be allowed into Chatfield Western Days. Chatfield Western Days also pays for a “blanket policy”, from the Larrabee Essig Agency, which insures all of Chatfield Western Days. Speaking on behalf of Chatfield Western Days, we need to eliminate these “rogue street vendors” that compete directly with our local not for profit vendors. If granted access to Chatfield Western Days, they must be sponsored by a local not for profit organization and must agree to pay Chatfield Western Days their fair share. If nothing is done, I am not sure that Chatfield Western Days will not become “extinct”. What a “shame” that would be for our Chosen Valley. We need “help” and we are confident that the Chatfield City Council will enact some sort of legislation that will completely resolve this ongoing problem and perpetuate the success of our businesses as well a Chatfield Western Days!

Respectfully,

Steven D. Rowland – Chatfield Western Days Co-Chair