

April 2, 2013

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:00 p.m. The following were in attendance: Commissioners Jan Hogle, Steve Philippi, Peter Schwarz and Commission Chair Christine Maefsky. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

Hogle, seconded by Schwarz, moved to approve the agenda as presented. The motion carried 4-0.

Hogle, seconded by Philippi, moved to approve the March 5, 2013 minutes as presented. The motion carried 4-0.

PUBLIC HEARING: AMEND THE APPROVED VARIANCE FOR 20290 OLINDA TRAIL TO REMOVE PLATTING REQUIREMENT. DAWN GILLESPIE, APPLICANT (RESOLUTION NO. 04-02-13-01PC)

The City granted a variance to Dawn and Gary Gillespie on July 12, 2012 to allow the Gillespies to create two lots on their property located at 20290 Olinda Trail. The variance allowed the lots to be created without the required road frontage on a public street. Planner Buss explained the applicants' request to remove the condition of that variance which requires subdivision and platting. Once the Gillespies began working with a land surveyor on the subdivision process, they were made aware of a state statute which does not require platting for parcels of residential land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots, any one of which is less than 20 acres or 500 feet in width. Buss also explained that platting requires a wetland delineation of the property, at a high cost for the applicants. If development of the property did not occur within three years, the delineation would have to be completed again.

Planner Buss stated that the City Attorney had no objections to removing the condition that requires subdivision and platting, based on the fact that the case meets state requirements to be exempt. Planner Buss recommended approval of the variance amendment request, with conditions as included in a draft resolution.

Chair Maefsky opened the public hearing at 7:15 p.m. There were no comments and the hearing was closed.

Commissioner Hogle stated that she sees no problem with the recommendation to approve as long as the conditions in the resolution are met before a building permit is issued. These conditions include recording a shared driveway easement, completing roadway improvements, and obtaining a wetland delineation at the time of any proposed building permit application.

Chair Maefsky asked if the property would be surveyed by metes and bounds. Planner Buss answered yes, it would be surveyed into two parcels and recorded in this manner.

Commissioner Philippi stated agreement with the recommendation to approve. He said that the intent to require platting was to prevent the creation of difficult legal descriptions and transfer of properties, but this is a simple division of the existing parcel.

Schwarz, seconded by Hogle, moved to approve Resolution No. 04-02-13-01PC, Approving Amended Variance for 20290 Olinda Trail. The motion carried 4-0.

The recommendation will go before the City Council at their April 16, 2013 meeting.

AMENDMENT TO THE DEVELOPMENT CODE PERTAINING TO SWIMMING POOLS TO ALLOW AUTOMATIC SAFETY COVERS IN PLACE OF A FENCE. JEFF AND BEA MELBY, APPLICANTS

Jeff and Bea Melby are proposing to install an in-ground pool at their residence, 19450 Parkview Lane. They have requested an amendment to the City's Development Code to allow the use of an automatic pool safety cover as an alternative to the Code's fence requirement. The applicants provided a listing of communities in the metro which do not require a fence with the installation of a pool safety cover.

Planner Buss explained that most local communities which allow pool covers have done so based on the recommendation of their Building Officials. Scandia's Building Official Keith Wille indicated that he is comfortable with allowing safety covers which meet ASTM (American Society for Testing and Materials) Standard F1346-91. Buss stated that building officials in Woodbury and Hugo do not believe that the automated safety covers provide the same degree of protection as the fences which are required in their community ordinances. Buss summarized that there are a mix of standards, based on recommendations from building officials. There is no State Building Code standard and the decision is left to local ordinances. The City of Stillwater recently made the decision to convert back to the fence requirement after allowing power safety covers for a time.

At 7:30 p.m., Chair Maefsky opened the public hearing.

Jeff and Bea Melby, Applicants, 19450 Parkview Lane: The Melby's stated that their studies have determined that pool safety covers provide greater protection than fences when used properly. They demonstrated a cover mechanism and described its operation. Commissioner Hogle asked if there is an option to operate the cover in the event of a loss of power. Mr. Melby was not sure but stated that they have a generator which could supply power to operate the cover. Later in the meeting, Mr. Melby read from the literature that there is a manual option.

Hogle asked if the closed cover holds water accumulation, which could be a drowning hazard for small children. Mr. Melby answered that the ASTM standard requires a pump to automatically remove standing water from the cover.

Commissioner Philippi asked if the City Attorney had an opinion on the city's liability in allowing pool covers. Administrator Handt answered that he did not, but the League's attorney had published an opinion that was consistent with the building official's requirement that the

covers meet ASTM safety standards. Philippi stated that perhaps a requirement for approval could be that a homeowner monitors the long-term performance of the cover.

Buss explained that the local insurance agent and the League are comfortable with the proposal to allow pool safety covers in place of fencing.

There were no further public comments and Chair Maefsky closed the hearing at 7:45 p.m.

Commissioner Schwarz stated that the City discussed this ordinance five years ago and denied pool covers as the only safety barrier and insisted on a fence requirement. There were concerns of power issues, forgetting to close the cover overnight and city liability.

The Commissioners were in agreement that they need more time to investigate the issue further. Buss offered to invite Building Official Keith Wille to the next meeting for his view on the covers. The Melbys were asked to provide more information on the manual operating system.

Schwarz, seconded by Hogle, moved to table the application to the May 7, 2013 Planning Commission meeting and requested staff to gather additional information. The motion carried 4-0.

WORK SESSION ON EVENT USE, RURAL RETAIL OR AGRITOURISM USES

The Planning Commission moved into a work session to further discuss Syd Stephan's request to allow for an event use on his property at 22200 Meadowbrook Avenue. Syd and Cinda Stephan, Larry and Sue Bies (adjacent neighbors), and Council member Dan Lee joined in the discussion.

The City's ordinance does not currently have a use that fits the use that he proposes, a commercial event center for privately-sponsored events such as weddings, company picnics and fundraisers. Planner Buss asked the Commissioners to consider if there is interest in allowing this type of use, and if so, should it be linked to agricultural use. The existing agritourism enterprise use definition in the code could be modified to include event uses, and performance standards for this use could be added to the Development Code.

Commissioner Schwarz stated that he is not comfortable addressing the question of whether the City should allow this or not, as the request to form a special committee of community representatives was turned down by the City Council. He thought the development of the Comp Plan was a complicated and costly process, one not easily amended by only the Planning Commission. Schwarz went on to say that he would not be comfortable issuing a Conditional Use Permit that would run with the land. If there is a change in ownership, the use still remains.

Planner Buss explained that an Interim Use Permit could be issued that would have a time limit which would expire once the property changed ownership, or events could be allowed on a per event basis. It was discussed that applying for a permit for each private event may not be suitable, as owners would be wary to make property improvements if there was a possibility of denial based on the event.

Buss explained tax implications based on information from the City Assessor. The property valuation would only be affected if the property was re-zoned as commercial. If the primary use is still agriculture, there would be no effect on property valuation. The City does have a few Rural Commercial zoning districts, including the Big Marine Lake Store and Crabtrees Store.

Buss provided information on zoning practices of surrounding communities. Some allow only the ceremony and not the reception. No amplification, no serving of alcohol and limited hours minimize the potential impacts to neighbors.

Commissioner Philippi suggested they should explore a broader definition as a means to maintain rural character. Administrator Handt noted that the Development Code includes definitions for conference centers and resorts, along with performance standards. Handt suggested that the standards could be expanded to address the operation concerns (noise, traffic, hours, etc.).

Chair Maefsky asked the Bies for their input on being neighbors to the proposed use. Sue Bies stated that it's a broad issue to consider for all of Scandia, but their neighborhood would be greatly affected. They reside on the dead-end of Meadowbrook which is not a traffic driven road. They felt they would be giving up a sense of privacy and quality of life for each event being held on a weekend, a time that they do yard work. Larry Bies expressed safety concerns related to emergencies and licensing.

Syd Stephan explained that he is looking for a way to offer his rural property as a type of "heritage" use, where a barn wedding or event could allow people to connect with the past.

Following further discussion, it was determined that the Agritourism definition does not necessarily fit the intended use. There was not support to revise the definition, but rather consider defining an event center under the resorts and conference facilities or to add rural retail tourism as a use. Chair Maefsky suggested to study expanding the City's Special Event Permit to cover private commercial events such as those Mr. Stephan is proposing.

Staff will gather information on a new rural commercial use and other additional information for the Planning Commission to continue their discussion at the May 7 meeting.

ADJOURNMENT

Hogle, seconded by Philippi, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk