

August 6, 2013

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:07 p.m. The following were in attendance: Commissioners Sue Bies, 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

Schwarz, seconded by Hogle, moved to approve the agenda as presented. The motion carried 5-0.

Hogle, seconded by Schwarz, moved to approve the July 2, 2013 minutes as presented. The motion carried 5-0.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 142, WIRELESS COMMUNICATION ANTENNAS AND TOWERS

City Planner Sherri Buss summarized the proposed ordinance amendment for wireless communication antennas and towers. Requiring visual impact demonstrations, using photo simulations that accurately show the proposed tower and equipment as viewed by adjacent homes and roadways, was recommended by the Planning Commission following an experience with the addition of antennas to the cell tower on Old Marine Trail. Buss explained other minor changes to the ordinance which clarified issuance of Conditional Use and Administrative Permits.

Chair Maefsky opened the public hearing at 7:10 p.m.

Chris Richner, 15261 Old Marine Trail: Mr. Richner provided photos of the cell tower adjacent to his property, both before and after the addition of new antennas. Sprint was granted an amended CUP last year to add antennas, in which they described the visual changes to be minor. Mr. Richner stated that significant changes were made, and felt that Sprint was not straightforward with the City about the visual impact.

There were no other comments, and the hearing was closed at 7:13 p.m.

Chair Maefsky asked for the changes to Section 1.1(2) to be described. Buss stated that text was rearranged for clarity.

Commissioner Hogle recommended that “at the same scale” be added to Section 1.1(11)(D) as it is stated 1.1(12)(B), when referring to the submission of visual impact demonstrations.

Hogle, seconded by Schwarz, moved to recommended adoption of Ordinance No. 142, Amending the Development Code for Wireless Communication Towers and Antennas, as amended. The motion carried 5-0.

The City Council will consider this recommendation at their August 20 meeting.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 143, ACCESSORY STRUCTURES

Planner Buss reviewed the proposed ordinance amendment regarding accessory structures to allow for additional square footage for properties of 3 to 10 acres. The Planning Commission recommended revising the permitted square footage to address the increased number of variance requests for properties this size. Buss explained that neighboring communities are allowing for larger storage buildings. Section 3.2(C) was added to allow one attached or detached garage up to two stalls in size (24'x24') to be excluded from the total area of structures permitted.

Commissioner Hogle recommended the text in the column for Ag Buildings, 5 to 10 acres, match the text as written for 10 to 20 acres (1 agricultural building, 3 total).

Hogle also recommended striking "attached" garage from 3.2(C) as attached garages are not calculated into square footage for accessory structures.

Commissioner Philippi suggested increasing excluded area to a three stall garage (24'x36') as this is more typical of a current garage.

The Commissioners discussed how this could affect small lots and it may have unintended consequences on visual impacts. Buss offered to take recent variance applications and add in examples of how additional structures would appear on the properties, to help visualize the situations.

City Administrator Handt asked for the Commissioners thoughts regarding the policy of requiring second story garages to be issued a Conditional Use Permit. Chair Maefsky was in favor of allowing a second story to be used for storage provided it is not used as dwelling space. Buss will research the state's definition of "dwelling". Commissioners were in agreement to no longer require CUPs, as adding a second floor that still meets the height requirement of 35 feet allows for increased storage with a smaller building footprint.

Commissioner Hogle questioned 3.2(2)(A) that does not allow accessory structures on lots without a principal structure. Hogle referred to state statute that allows agricultural property to have ag buildings without a house on the property. Buss will research this language and advise on the text.

Chair Maefsky opened the public hearing at 7:46 p.m. There were no comments and the hearing was closed.

Hogle, seconded by Schwarz, moved to continue discussion of the proposed ordinance on accessory structures to the September 3rd meeting. The motion carried 5-0.

Buss will provide hypothetical drawings of additional number of structures on small properties, and definitions of dwelling units and agricultural buildings, to aid in clarifying language.

**PUBLIC HEARING: VARIANCE FROM SHORELAND OVERLAY DISTRICT
REQUIREMENTS TO INSTALL SEPTIC SYSTEM AT 12610 182ND STREET. DAN
BEVER, APPLICANT**

Dan Bever is proposing to locate three new septic tanks on his property at 12610 182nd Street, a 0.53 acre parcel on Big Marine Lake. The tanks would be connected to a discharge pipe that would be located within the vacated 182nd Street, which would also serve a neighboring property, then connect to a common drainfield to the south. The tanks would be located 51 feet from the OHWL of Big Marine Lake and require a variance from the 75 feet setback for sewage treatment systems.

Planner Buss explained that the existing tanks that serve the Bevers and an adjacent property to the south (Lepinskis) were mistakenly installed so that they are partially on a neighboring property to the west. The potential locations available for the tanks are limited due to the small size of the lot and the existing home, well, and driveway. Public Works Director Keiffer provided comments that shared septic systems are not allowed within the City. Buss stated that the Lepinskis should be requesting a variance for tanks on their property also.

Buss explained the comments from City Engineer Goodman which addressed concerns about locating septic tanks near the lake. A number of conditions were recommended in the staff report to address protection of the lake.

Buss concluded by noting the findings and stating approval of the request with conditions included in a draft resolution. A Watershed Permit must be obtained and impervious coverage that exceeds 25% must be removed before installation of the septic tanks.

Chair Maefsky opened the hearing at 7:57 p.m.

Dan Bever, 12610 182nd Street, Applicant: Mr. Bever explained that his current tanks were installed last year at a distance of 23'-1/2" over the centerline of the vacated road. A neighboring property owner is disputing language of an easement agreement to allow for infrastructure within the easement. Mr. Bever clarified that he is not addressing the issue of installation of tanks for his neighbor Lepinski.

There were no other comments and the hearing was closed at 8:05 p.m.

Commissioner Hogle stated that the septic contractor was present at the site visit and explained that there is no other place on the property to locate the tanks.

Chair Maefsky commented that she was comfortable with the conditions recommended by the City Engineer to provide extra precautions for protection of the lake.

Schwarz, seconded by Hogle, moved to recommend approval of Planning Commission Resolution No. 08-06-13-01, Approving a Variance for 12610 182nd Street. The motion carried 5-0.

The Council will consider this recommendation at their August 20 meeting.

PUBLIC HEARING: MINOR SUBDIVISION TO ALLOW TWO LOTS AT 11489 239TH STREET. SCOTT BAKKEN, APPLICANT

Scott and Cheryl Bakken are proposing to subdivide an existing property of 35 acres into 2 parcels, one that will be 10.1 acres in size, and reducing the parcel with the existing home to approximately 25 acres. An existing street would be extended and a cul de sac created to provide the required access and frontage for the new parcel.

Planner Buss presented the staff report which recommended approval of the request with conditions included in a draft resolution. Buss noted that the application meets the goals of the Comp Plan and requirements of the development code. A Development Agreement will be prepared to address the collection of the park fee (\$3,000) and the schedule for construction of the cul de sac.

Chair Maefsky opened the public hearing at 8:15 p.m.

Scott Bakken, 11489 239th Street, Applicant: Commissioner Philippi asked if the land area removed for the cul de sac is factored into calculation of acreage for the newly created lot of 10.1 acres. Planner Buss recommended that Bakken verify this with his surveyor. Chair Maefsky noted that he should maintain a 10-acre parcel to provide for future planning and zoning options.

Commissioner Philippi asked if a shared driveway was considered. Buss stated that the code does not allow this; subdivision standards require a cul de sac for road frontage. This will also allow for future subdivision of the 25 acre parcel. Hammerhead turnarounds are no longer allowed due to snowplowing and safety issues.

There were no further comments and the hearing was closed at 8:22 p.m.

Chair Maefsky asked if there is a time limit on the construction of the cul de sac. Administrator Handt explained that although the code requires it be built before the plat is recorded, this condition was relaxed to allow that it be constructed before a building permit is issued for the new lot. Maefsky suggested that language be added to make this clear. Buss will add "staff recommended the exception be allowed" to the resolution and Development Agreement.

Hogle, seconded by Philippi, moved to recommend approval of Planning Commission Resolution No. 08-06-13-02, Approving Minor Subdivision for 11489 239th Street. The motion carried 5-0.

The Council will consider this recommendation at their August 20 meeting. Buss asked Mr. Bakken to update staff with information he receives from his surveyor on the question of lot size.

DRAFT EVENT USE FACILITIES ORDINANCE

Planner Buss led a review of a draft ordinance on Events Facilities use, which was last discussed at the May 7 meeting. The Commissioners have supported language that would allow an Event Facility to operate on a minimum of 20 acres in the Ag Core and General Rural District through issuance of an Interim Use Permit.

Buss reviewed the application requirements and standards that would need to be complied with. Commissioner Schwarz asked how porta potties would fall into meeting adequate sewage disposal standards. Buss will provide language for use of portable facilities.

Commissioner Schwarz recommended that public safety issues be addressed. Buss stated that the permit would be reviewed by department heads (public works, fire, police) for conditions that meet standards for emergency vehicle access and other safety issues. On-site vehicle parking will be required so that there is no street parking.

The Commissioners discussed start and ending times. It was agreed to allow outdoor events to begin at 9:00 a.m. and conclude by 9:00 p.m.

There was concern about amplified events and how it would affect neighboring properties. Buss explained that Stillwater Township allows the wedding ceremony to be amplified, but not the music. Chair Maefsky was in favor of this approach, as the business operation appears to be doing quite well.

Chair Maefsky asked if a 50-foot setback was enough, and perhaps a 100-foot setback should be considered.

Planner Buss was directed to update the draft ordinance with the discussed changes, and to compare the language to the Stillwater Township and Chisago County ordinances on event facilities, for review at the next meeting.

ADJOURNMENT

Schwarz, seconded by Hogle, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 9:14 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk