

July 1, 2014

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. Travis Loeffler was welcomed as the newly appointed Commissioner. The following were in attendance: Commissioners Jan Hogle, Travis Loeffler, Steve Philippi, Dan Squyres and Chair Christine Maefsky. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. City Council member Chris Ness was also in attendance.

APPROVAL OF AGENDA, MINUTES

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

Hogle, seconded by Squyres, moved to approve the May 6, 2014 minutes as presented. The motion carried 5-0.

VARIANCE FROM REAR YARD SETBACK TO CONSTRUCT A HOME ADDITION AT 20595 QUINNELL AVENUE. KRISTIN TUENGE, APPLICANT (RESOLUTION NO. 07-01-14-01)

Kristin Tuenge is proposing to add a bay window on the north side of her house at 20595 Quinnell Avenue. The existing home, located approximately 33 feet from the rear parcel boundary, was built in 1939 before the adoption of the current 50-foot rear yard setback. The proposed bay window would encroach 3 feet further into the setback and therefore requires a variance.

City Planner Buss presented the staff report which recommended approval of the request. Buss explained that the only reasonable location for the addition is toward the rear setback. The addition is relatively small in size and will not be visible from most adjacent parcels. A resolution with findings and conditions for approving a setback of 30-feet from the rear parcel boundary was prepared. Conditions included obtaining a building permit and maintaining the existing trees to provide screening for the parcel to the north.

Chair Maefsky opened the hearing to the public at 7:13 p.m. There were no comments and the hearing was closed.

Commissioner Hogle asked for verification of the side and rear lot line configuration. Hogle noted that the steps off the back of the house are in line with the proposed addition. Buss explained that steps are exempt from structure setbacks, but it is a good point in favor of the variance -- that there will be no further incursion into the setback than currently exists with a portion of the house.

Chair Maefsky stated that the addition will not cause an imposition to the neighboring properties.

Hogle, seconded by Loeffler, moved to adopt Resolution No. 07-01-14-01, Approving a Variance for 20595 Quinnell Avenue North. The motion carried 5-0.

The recommendation to approve the variance will go before the City Council on July 15th.

VARIANCE TO CONSTRUCT AN ACCESSORY STRUCTURE CLOSER TO THE ROAD RIGHT-OF-WAY THAN THE PRINCIPAL BUILDING AT 12680 SCANDIA TRAIL. JEFFREY GACEK, APPLICANT (RESOLUTION NO. 07-01-14-02)

Jeffrey Gacek is proposing to build a detached garage on his property at 12680 Scandia Trail which would be closer to the road than the principal structure. The property is 10 acres in size, but the garage does not meet the 200-foot setback required when placed closer to the road. A variance is needed for the garage to be approximately 140 feet from the Scandia Trail right-of-way.

Planner Buss presented the staff report which recommended approval of the request based on meeting the criteria for granting a variance. The location of the existing septic system, well and barn limit the sites for constructing the garage. Existing mature trees will provide screening from the roadway. Buss explained that Mr. Gacek owns the surrounding 30 acres, and plans to combine the properties so that the existing accessory structures will meet the ordinance requirement for number and area of accessory structures. The design of the garage and layout of the buildings will have a traditional farmstead look in keeping with the goals of the Comp Plan. Findings and conditions for approval for constructing a garage 140 feet from the right-of-way were presented in a resolution.

Chair Maefsky explained that on the site visit, the applicant questioned if he could create 2 20-acre lots instead of combining the lots into one 40-acre parcel. The parcel currently includes four accessory buildings that total approximately 5,900 square feet. Administrator Handt confirmed that this would meet the ordinance for size and number of accessory buildings, since one detached garage is permitted that does not calculate into the size and number allowed. Buss noted that condition #4 of the resolution should be amended to require a lot line adjustment to create 2 20-acre lots instead of combining the two parcels.

Chair Maefsky opened the hearing to the public at 7:33 p.m. There were no comments and the hearing was closed.

Commissioner Philippi stated that there should be an incentive in the Code to preserve historic structures, as Mr. Gacek is maintaining and restoring the barns on his property. Buss was directed to research language that could be added to the Development Code that could provide an exception for preservation of historic structures.

Loeffler, seconded by Hogle, moved to adopt Resolution No. 07-01-14-02, Approving a Variance for 12680 Scandia Trail, with an amendment to Condition #4 to require a lot line adjustment instead of a parcel combination. The motion carried 5-0.

The recommendation to approve the variance will go before the City Council on July 15th.

VARIANCE FROM THE SIDE LOT LINE TO CONSTRUCT AN ACCESSORY STRUCTURE AT 22723 NOLAN AVENUE. JAMES AND KIM WILLIAMS, APPLICANTS (RESOLUTION NO. 07-01-14-03)

James (Rusty) and Kim Williams are proposing to build a 20'x20' storage shed on their property at 22723 Nolan Avenue which would be 10 feet from the side parcel boundary. A variance is needed for this location since it does not meet the 20-foot sideyard setback.

Planner Buss presented the staff report which recommended approval of the request based on meeting the criteria for granting a variance. The applicants plan to use the shed for storing equipment used for maintaining the driveway and wish to use the existing driveway apron to access the shed. Potential locations for the shed that are accessible from the driveway are limited by the location of wetlands, buffers and the septic system. Existing trees along the parcel boundary will provide screening. Buss asked the Commissioners to consider if additional screening should be required. Findings and conditions for approval for constructing a shed 10 feet from the side lot line were presented in a resolution.

Chair Maefsky opened the hearing to the public at 7:40 p.m. There were no comments and the hearing was closed.

Commissioner Hogle noted that the site visit determined that quite a bit of screening exists, more than the photo submitted with the application shows.

Chair Maefsky stated that the location will be far off the roadway and should not be an imposition to the neighbors or public. Commissioner Philippi asked if the adjacent Parcel C could ever be built on. Mr. Williams explained that Parcel C is only 65' in width which goes through a wetland, so it is very improbable that any development would ever occur on Parcel C, currently owned by a neighbor to the south.

Squyres, seconded by Hogle, moved to adopt Resolution No. 07-01-14-03, Approving a Variance for 22723 Nolan Avenue North. The motion carried 5-0.

The recommendation to approve the variance will go before the City Council on July 15th.

VARIANCE FROM THE ROAD RIGHT-OF-WAY AND DRAINFIELD TO CONSTRUCT AN ACCESSORY STRUCTURE AT 23269 LOFTON COURT. RODNEY AND SUSAN OLSON, APPLICANTS (RESOLUTION NO. 07-01-14-04)

Rodney and Susan Olson are proposing to build a new 24'x24' garage and driveway on their property at 23269 Lofton Court. The location would be 15' from the right-of-way and approximately 5' from the existing drain field and proposed location for a back-up drain field. Variances from the 40-foot road right-of-way setback and the septic system setback of 10 feet are required.

Planner Buss explained that the Olson's have a complicated site, 0.44 acres in size, that is nonconforming since it was created before the adoption of the current Development Code. The garage location is limited by the location of the existing home, slopes, septic system and the need for a back-up septic location. Buss explained that she would recommend approval of the request based on findings which meet the criteria for granting a variance. The setback from Bone Lake and the lot coverage are met, which provides protection for the lake. A new driveway to the garage would avoid use of the existing steep driveway, while the existing driveway could allow for occasional access to the well for repair and maintenance, and as access to the lower level of the garage for boat storage. County staff approved the proposed location in relation to the septic system and noted that an existing shed must be removed in the area needed for a back-up septic location.

A condition to prohibit parking on the Lofton Court right-of-way from November 1 to April 30 was included in the resolution. Administrator Handt explained that since the garage is so close to the right-of-way, this clear notice not to park within an area of snow clearing should prevent property damage and future claims against the city.

Buss explained that a condition to remove a retaining wall within the road right-of-way could be removed from Condition #1 since the wall is at grade. Administrator Handt recommended that the language be changed to state that no structures above grade are allowed within the right-of-way.

Buss described the other conditions included in the resolution, such as reducing the width of the new driveway to 24' and requiring a grading and erosion control permit due to the slopes and close proximity to the lake.

Chair Maefsky opened the hearing to the public at 7:57 p.m. There were no comments and the hearing was closed.

The Commissioners discussed construction details with Mark Leigh, the builder. He explained that they worked on many options for locating the garage, and have presented the best placement. He confirmed that the garage slab will have frost footings.

Commissioner Philippi asked how area of the structure is calculated, by footprint or by total area of the levels of the garage. Buss stated that it has been determined by footprint of the structure, but was directed to review past applications to clarify this for consistency.

Maefsky noted that the city is allowing two driveways, even though the engineering standards permit one access. Handt explained that a practical difficulty related to the lot justifies the request for a second driveway. Mr. Olson stated that the secondary driveway will be considered a well access and only used occasionally.

Hogle, seconded by Squyres, moved to adopt Resolution No. 07-01-14-04, Approving a Variance for 23269 Lofton Court North, with amended Condition #1 to ~~remove the~~

~~retaining wall section that is located within the road right-of-way~~ “no structures allowed above grade within the right-of-way”. The motion carried 5-0.

The recommendation to approve the variance will go before the City Council on July 15th.

VARIANCE FROM THE ORDINARY HIGH WATER LEVEL TO CONSTRUCT A DECK AT 18629 LANGLY AVENUE. GREG JOHNSON, APPLICANT (RESOLUTION NO. 07-01-14-05)

Greg Johnson is proposing to add an attached 10'x20' deck on the lakeside of his house at 18629 Langly Avenue. The edge of the deck would be 61' from the Ordinary High Water Level of Big Marine Lake. A variance is needed from the 100' setback from the OHWL.

Planner Buss presented the staff report which recommended approval of the request based on meeting the criteria for granting a variance. The addition of the deck without a variance could meet the standards for nonconforming structures except that the structure was rehabilitated in 2004, after adoption of the Shoreland Ordinance. A variance was granted at that time to raise the existing cabin above ground level and add an attached garage, at a setback of 71' from the OHWL. Buss explained the other findings such as meeting lot coverage and access for the deck. A Watershed Permit will be required which mandates the establishment of a shoreland buffer zone. The DNR suggested moving the deck to the side of the house, but that would remove the requirement of a shoreland buffer which improves water quality; therefore the DNR agreed to allow construction of the deck within the OHWL provided the deck not be modified to be roofed or screened in the future. As the DNR's comments were not received in time for the staff report, this condition was added at the meeting. A resolution was presented to approve construction of the deck at 61 feet from the OHWL of Big Marine Lake with findings and conditions.

Chair Maefsky opened the hearing to the public at 8:18 p.m. There were no comments and the hearing was closed.

The Commissioners asked for clarification of the variance from 2004 if the cabin had existed for many years. Buss reasoned that if there is more than a 50% change in value, the project is treated like new construction, therefore requiring a variance. Council member Ness, a member of the Planning Commission at the time, stated that a variance was needed, although the structure did not move any closer to the lake.

Commissioner Philippi noted that the proposed deck appears to be consistent with decks on neighboring properties. Philippi asked if grading improvements around the house could be looked at. Handt explained that no fill will be brought in for this project and a grading permit is not necessary. Philippi explained to Mr. Johnson that the grade could be beveled out.

Commissioner Hogle stated that it is not logical to place the deck on either side of the house, and having a deck on the lakeside is a normal use for a lakehome.

Loeffler, seconded by Squyres, moved to adopt Resolution No. 07-01-14-05, Approving a Variance for 18629 Langly Avenue, as amended with the added condition that the deck not be modified to be roofed or screened in the future. The motion carried 5-0.

The recommendation to approve the variance will go before the City Council on July 15th.

CONDITIONAL USE PERMIT TO OPERATE AN AUTO REPAIR BUSINESS AT 21090 OZARK COURT. JEAN AND SCOTT WOMACK, APPLICANTS (RESOLUTION NO. 07-01-14-06)

Jean and Scott Womack have requested a Conditional Use Permit to relocate their auto repair business from Paris Avenue to 21090 Ozark Court. They are proposing to operate in the west half of the Peterson Excavating Building in the Industrial Park. Planner Buss explained that several businesses have operated in the past at this site with Conditional Use Permits, but vehicle repair was limited to fire trucks only. The Womack's need to obtain a new CUP for their business, which is a permitted use in the IP District.

Buss presented the staff report which recommended approval of the CUP based on meeting the criteria and performance standards for a CUP. Disposal of any hazardous waste is regulated by Washington County via a license and inspection. The owners have an existing license with no violations for their Paris Avenue location, but must obtain a new Hazardous Waste Generator License for the new location.

The applicants plan to replace the face of an existing sign, which requires approval of an Administrative Permit.

The findings and conditions for approval of the CUP to allow the operation of a motor vehicle repair business were presented in a resolution.

Chair Maefsky opened the hearing to the public at 8:35 p.m. There were no comments and the hearing was closed.

The Commissioners viewed an aerial photo of the property and confirmed that adequate screening of the property exists.

Loeffler, seconded by Squyres, moved to adopt Resolution No. 07-01-14-06, Approving a Conditional Use Permit at 21090 Ozark Avenue. The motion carried 5-0.

The recommendation to approve the variance will go before the City Council on July 15th.

PROPOSED ORDINANCE NO. 154 – REVISING DENSITY LANGUAGE IN THE AG CORE AND GENERAL RURAL ZONING DISTRICTS

Planner Buss presented background information on proposed Ordinance No. 154 to revise density language in the Development Code. There was a concern that dividing properties at a maximum density of "4 dwelling units per 40 acres" had the potential to create more lots than

allowed in a quarter-quarter section, and therefore classifying some lots as unbuildable once 4 lots were developed with houses. To clarify and be consistent with the Comprehensive Plan, it was recommended to revise the density language to read “4 buildable lots per 40 acres (original quarter-quarter section)” in the Ag Core and General Rural zoning districts. Chair Maefsky opened the hearing to the public at 8:40 p.m.

Chris Ness, 18440 Norell Avenue, needed clarification of the density language and asked how existing lot situations will be handled.

Administrator Handt explained that current non-conforming lots which were in place before adoption of the revised code language are grandfathered in, but only 4 buildable lots per 40 will be the standard going forward.

There were no further comments and the hearing was closed at 8:42 p.m.

Commissioner Philippi noted that the issue appears to be non-controversial and there is a strong consensus among the Commissioners to adopt this language.

Commissioner Hogle brought up the definition of unbuildable lots. Buss explained that the subdivision code defines the creation of outlots as truly unbuildable due to wetlands or other conditions. Philippi questioned if this definition needs to be tightened up to avoid use of outlots as tax avoidance. Maefsky agreed that clear language could be a point to work on.

Philippi, seconded by Squyres, moved to recommend adoption of proposed Ordinance No. 154 to the City Council as presented. The motion carried 5-0.

The recommendation to approve the ordinance will go before the City Council on July 15th.

ADJOURNMENT

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

The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk