

October 7, 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. 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.**

**Philippi, seconded by Hogle, moved to approve the September 2, 2014 minutes as presented. The motion carried 5-0.**

**PUBLIC HEARING: MINOR SUBDIVISION TO CREATE A 5-ACRE PARCEL AT 21020 MEADOWBROOK AVENUE. MARY KAY RUDDY, APPLICANT (RESOLUTION NO. 10-7-14-01)**

Mary Kay Ruddy has applied for a Minor Subdivision to create a new 5.0-acre parcel from an existing 36.4-acre parcel at 21020 Meadowbrook Avenue. The new parcel may be developed in the future with one single-family residence. The property is located in the Agriculture Core (AG C) zoning district.

Planner Buss presented an overview of the request. There are two existing homes within the original quarter-quarter section that includes the proposed lot. Maximum density permitted in the AG C is 4 buildable lots per 40 acres, with lot sizes between 2 and 5 acres and 20 acres or greater; therefore the addition of one new buildable lot and the 31.4-acre lot remaining meets the density and lot size requirements. A wetland report was completed for the new parcel and no wetlands were identified. The Carnelian-Marine-St. Croix Watershed District will require a permit, which was included as a condition. Buss explained that MnDOT will require that the driveway access to the new parcel be provided from Meadowbrook Avenue and not Highway 97.

Buss recommended approval of the minor subdivision with nine conditions written into a resolution – one being that a park dedication fee of \$3,000 be collected before approval of the final plat.

Chair Maefsky opened the public hearing at 7:06 p.m.

*Cynthia Hansen, 12340 Scandia Trail:* Ms. Hansen asked for confirmation that the driveway access for the new parcel will not be onto Highway 97, as she explained that this is a dangerous stretch of the roadway. Buss confirmed that the access will be connected to Meadowbrook Avenue, one of the conditions in the resolution.

There were no further comments and the hearing was closed at 7:07 p.m.

Commissioner Hogle questioned how far south of Highway 97 onto Meadowbrook Avenue the driveway could be installed. Administrator Handt stated that the location would need to meet the city's engineering standards, and the location would be reviewed by Public Works Director Keiffer before installation. Scott Sample, relative of Ms. Ruddy, asked if the driveway could be installed before a building permit application is submitted. Handt answered that he could obtain a driveway permit at any time.

Chair Maefsky asked why 1.5-acres of contiguous buildable area was identified in the staff report. Buss explained that the survey indicated this was the area of the lot which was soil sampled to meet septic requirements, but the lot has a greater potential for buildable area.

**Loeffler, seconded by Squyres, moved to adopt PC Resolution No. 10-07-14-01 as presented, Approving a Minor Subdivision for 21020 Meadowbrook Avenue. The motion carried 5-0.**

The recommendation to approve the Minor Subdivision will go before the City Council on October 21, 2014.

**PUBLIC HEARING: VARIANCES TO CONSTRUCT AN ACCESSORY STRUCTURE AT 21450 POMROY AVENUE NORTH. PAUL AND SUSAN RODSJO, APPLICANTS**

Paul and Susan Rodsjo are proposing to move the dismantled Hilltop Water Barn from the Village Area and construct the barn on their property at 21450 Pomroy Avenue for use as a storage structure. Their property is 4.43-acres located in the General Rural District. Variances are needed to locate the structure closer to the road right-of-way than the primary structure, and to allow the height to exceed the 35-foot maximum height permitted. The Rodsjos would like to preserve the historical accuracy of the building which measures 50.5-feet high.

Planner Buss presented an overview of the request. Buss explained the difficulties in locating the barn behind the house to meet code requirements due to the existing septic system and a seasonal brook. The proposed location for the barn will be 250 feet from the road right-of-way and screened from the roadway and adjacent parcels by existing vegetation in leaf-on conditions.

Buss stated that there is rationale to approve the location of the structure due to physical characteristics of the property, but the request to exceed the height requirement does not meet statute criteria for approval. The criteria require that the practical difficulties related to the variance request must be unique to the parcel. Buss explained that it would be difficult to grant a height variance based on the criteria, and suggested an option to modify the Development Code to exempt historic building and structures from the height requirement in Chapter 2, Section 3.1(F). This would support the goals in the Comp Plan to preserve historic buildings. Buss stated that the application could be tabled to permit the proposed change in the ordinance if the Commissioners desire to allow the height requirement to be exceeded for historic buildings.

Chair Maefsky opened the public hearing at 7:23 p.m. There were no comments and the hearing was closed.

Chair Maefsky asked if the variance was tabled, how long until the language in Chapter 2 could be amended. Administrator Handt stated that a public hearing could be held at the November 5<sup>th</sup> Planning Commission meeting, with the Council voting on the ordinance at their November 18<sup>th</sup> meeting. Buss stated that the Rodsjo application could be extended by 120 days beyond the 60-day review period.

Paul Rodsjo, applicant, explained that the proposed location is on the lowest spot of the property without being in a wetland, and drops 11 feet in elevation from the house site. Visually the structure is approximately 4 ½ feet higher than the house and lower than the surrounding trees.

The Commissioners were in agreement that the structure meets the definition of a historic structure. Chair Maefsky said that the Comp Plan gives clear direction to encourage preservation of historic buildings, and recommended they proceed with adding historic buildings to the list of exemptions given for height of accessory structures. It was decided to further discuss this ordinance amendment under Agenda Item 5.c) Preservation of Historic Accessory Structures.

**Loeffler, seconded by Hogle, moved to table the Rodsjo application. The motion carried 5-0.**

**PUBLIC HEARING: VARIANCES TO CONSTRUCT A SINGLE-FAMILY RESIDENCE AT 18567 LAMAR AVENUE. SHANNA ANDERSON, APPLICANT**

Shanna Anderson is proposing to build a new home at 18567 Lamar Avenue. The property is 0.19 acres in size and is located in the General Rural District and Shoreland Overlay of Big Marine Lake. Variances from the road right-of-way and rear lot line are needed. Based on the final locations of the septic system, variances from lot line setbacks may also be needed.

Planner Buss presented on overview of the request. An existing home and small shed would be removed prior to construction of the dwelling with an attached garage. Buss described the proposed setbacks from the road right-of-way at 20.3 feet (40 feet required) and 40 feet from the rear lot line (50 feet required). All other setbacks for the structure are met, including lot coverage at 25% of the lot area. Buss explained that the initial survey shows that the septic system is located within the required 10-foot setback of the property lines, and it was requested that the applicants provide a revised plan that better meets the septic requirements.

Buss stated the rationale for approval of the request for variances from the road right-of-way and the rear lot line, but suggested that the request could be tabled until additional information about the septic location is provided.

Chair Maefsky opened the public hearing at 7:47 p.m.

*RJ Jenko, property owner:* Mr. Jenko stated that they are working with a septic designer. Soil samples were recently taken and they are waiting for the results. He stated that if a septic system cannot be installed on the property, there is a possibility to connect into city sewer.

Administrator Handt explained that the 201 system does not front the property and a connection would require an easement across the adjoining lot.

Chair Maefsky asked if building plans for the proposed house were submitted, and could the lot coverage be verified if the plans were not final yet. Mr. Jenko provided a sketch of the exterior of the house. Buss explained that it is acceptable to not have a final layout at this point, but that it could not exceed the footprint that was approved based on the submitted survey.

There were no further comments and the hearing was closed at 7:50 p.m.

Commissioner Hogle stated that this appears to be a very small lot with difficulties in meeting the zoning requirements.

Chair Maefsky stated her concerns about the septic situation and would not be comfortable approving the variance at this point. She stated that the road right-of-way setback of 20 feet is reasonable and in line with those in the neighborhood.

**Hogle, seconded by Squyres, moved to table the Anderson variance request until a septic plan is in place. The motion carried 5-0.**

**HELMS VARIANCE AT 12160 196<sup>th</sup> STREET CONTINUED FROM SEPTEMBER 2, 2014 (RESOLUTION NO. 10-07-14-04)**

The Planning Commission tabled Ron and Vicki Helms' request to install a septic system holding tank on their seasonal property at 12160 196<sup>th</sup> Street until legal information about the proposed condition to require combination of the lots was gathered.

Planner Buss reported that the City Attorney's response permits the City to require non-conforming lots to be combined for the purpose of development, and this condition of approving a variance can be imposed as it is reasonably related to the application. Buss provided the staff recommendation to combine the three parcels into a single parcel based on the Attorney's comment.

Buss explained that the Helms have the alternative to postpone the installation of a holding tank until next year when the County amends their sewer ordinance to allow holding tanks on seasonal property, as then a variance from the City would not be needed.

The Commissioners discussed the issue and if the policy to combine non-conforming lots should be applied in this case. Ron and Vicki Helms stated their opposition to this condition and questioned the definition of "developing" their lot with this request to install a holding tank that meets setbacks. Administrator Handt replied that any improvements to the property can be considered as development.

Chair Maefsky stated that she is comfortable with bringing non-conforming lots into compliance when given the chance as this benefits the city and the environment by maintaining density

around the lake. She added that the City is not totally denying their right to do this as the applicants have the option of waiting until the County changes their ordinance.

Commissioner Loeffler asked if each of the three separate lots could be sold off for future development. Buss explained that this is a possibility and the City could have three separate owners all requiring variances to build on the small lots. She explained that the aim of the zoning ordinance is to try to bring non-conformities into compliance with the current development code and that this is a common practice in many cities.

**Loeffler, seconded by Squyres, moved to accept the Planner's recommendation and adopt Resolution No. 10-07-14-04, Approving a Variance for 12160 196<sup>th</sup> Street North. The motion carried 5-0.**

Loeffler stated that he is in favor of switching out the failing tank, however there is a chance that the lots could be sold off separately in the future and the City would be looking at variance requests – if the Helms do not plan to sell these lots at any time, they should be combined. They also have the option of waiting for a change in the County's ordinance, Loeffler said.

This recommendation to approve the variance will go before the City Council on October 21, 2014.

#### **ADMINISTRATIVE EXCEPTIONS**

Planner Buss provided information on several topics which the Commissioners requested at the July and August meetings.

Buss explained that administrative exceptions are used in Stillwater Township for approval of minor actions on lots that are close to but do not meet the ordinance requirements. Buss provided a list of items in Scandia's development code which require a minimum lot size that could be affected if administrative exceptions were permitted. Buss recommended that this not apply to subdivision requirements. Buss stated that this is most frequently used in Stillwater Township for the keeping of livestock.

Commissioner Loeffler recommended that a 5% deviation from the minimum lot size be allowed without a cap of 0.5 acres, as Buss's example stated. This would allow a 4.75-acre parcel in Scandia to have livestock. Maefsky stated her concerns about permitting administrative deviations without neighbor notification.

Staff was directed to prepare a draft ordinance to allow for administrative deviations for all instances in which minimum lot size would be affected in the development code with the exception of subdivisions. A public hearing will be scheduled for November 5<sup>th</sup> and those that are of concern could be removed from what is permitted administratively.

#### **EXCEPTION FOR PRESERVATION OF HISTORIC ACCESSORY STRUCTURES**

At the August meeting, the Commissioners requested some options for providing a bonus or incentive to residents who preserve historic structures. Planner Buss explained that the

development code includes a definition for historic buildings, although she could not locate the Washington County History Network Inventory and suggested an update to reference Washington County or the Washington County Historical Society.

The Commissioners agreed that there should be incentives to preserve historical structures, but noted the value of having the public involved in the variance process. They asked if the variance process could be simplified or done at a reduced cost to the applicant.

Curt Richter, 21755 Parrish Avenue, stated that his business is barn preservation work and encouraged the Commission to pursue ways to allow farmsteads and buildings to be preserved. He stated that in many cases buildings are torn down before owners come to the city with a request for it to remain based on what they see in the code. He would like to see exemptions for historical buildings with no fee.

In response to Administrator Handt's question about allowing for administrative approval for historic buildings, Commissioner Philippi stated that if there is no public discussion, how would the City know that it would be objectionable to the neighbors. Buss noted that if the request did not meet certain criteria, the Administrator could have the option of bringing the request before the Commission and Council.

Continued discussion determined that a draft ordinance to accessory structures with parameters such as number, size, proximity to road, and color for the preservation of historic structures should be prepared for a hearing.

Buss summarized the three hearings that were requested:

- 1) Administrative exceptions and deviations from minimum lot size.
- 2) Allow for a height exception of historical structures in Chapter 2, Section 3.1, Item (F).
- 3) Allow for exceptions of certain parameters such as number, size, location and color for preservation of historical structures in the accessory structure ordinance.

### **LOG HOUSE LANDING IMPROVEMENT SPECIAL COMMITTEE**

The Council has approved the creation of a special committee to research options for the Log House Landing Improvements. Two members of the Planning Commission may serve on the Committee.

Lisa Schlingerman, member of the Friends of the Log House Landing, presented the objectives of the group's plan to work with the City on researching alternative designs for the roadway and river access.

Chair Christine Maefsky and Commissioner Steve Philippi volunteered to serve on the Special Committee.

**ADJOURNMENT**

**Loeffler, seconded by Squyres, moved to adjourn the meeting. The motion carried 5-0.**

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk