

September 1, 2015

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chair Christine Maefsky, Commissioners Jan Hogle, Travis Loeffler and Dan Squyres. Absent: Commissioner Walt Anderson. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, Attorney Ben Klocke and Deputy Clerk Brenda Eklund. Council member Dan Lee was also in attendance. Chair Maefsky called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

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

Hogle, seconded by Loeffler, moved to approve the August 4, 2015 minutes as presented. The motion carried 4-0.

PUBLIC HEARING: VARIANCE TO CONSTRUCT A SWIMMING POOL AT 12199 205TH STREET. JOHN AND SIA KRUEGER, APPLICANTS.

John and Sia Krueger have applied for a variance to construct a swimming pool and related structures on their property at 12199 205th Street, a 5.09-acre parcel located within the Shoreland Overlay of Big Marine Lake. The City approved a variance in 2013 to construct a pool 60 feet from the Ordinary High Water Level (OHWL) on this property, but the pool was never built.

Planner Buss explained that the new request has significant differences from the previous plan. The survey shows the edge of the concrete deck for the pool proposed to be 42 feet from the OHWL, with a patio and other structures that were not included in the 2013 application. The required structure setback is 100 feet from the OHWL. The Shore Impact Zone, in which grading or filling is prohibited under the Shoreland Ordinance, is a protective area within 50 feet of the OHWL. Buss reported that the DNR and Watershed had particular concerns that no development occur within this zone, and advised that the amount of impervious surface within the structure setback be reduced. Buss stated that the plan needs to be revised so that no grading occurs within the 50-foot Shore Impact Zone. A 60-foot setback for the pool and patios could meet this requirement and allow for a minimum walkway no more than 4 feet wide. Staff recommended that the plan be revised so that all structures such as the cabana and equipment shed should be located outside the required 100-foot setback.

Planner Buss noted the City Engineer's recommendation that a plan for soil erosion impacts be provided, along with a geotechnical review and slope calculations to verify that the site is suitable to support the proposed weight of the pool and structures. Buss noted that some of the slopes where grading and construction would occur are 40% slopes. The Engineer also wrote that the boulder wall and steps on the south side of the house must be relocated away from the septic area, and the design of the boulder wall around the pool should include approval from a professional engineer.

Planner Buss noted that up to 10 large trees will be removed within the setback and removal of vegetation for the project will reduce the screening from the lake view. The Shoreland

Ordinance prohibits the removal of mature trees, and therefore mitigation, such as replacement, will be required for trees proposed for removal. Buss recommended that a landscape plan be submitted that shows preservation of existing vegetation within the Impact Zone and proposed tree replacement and screening outside this area. Buss stated that the proposed addition of visibly large structures and reduced screening changes the character of the area. Nearby homes in the bay have maintained a significant vegetative screen between all developed structures and the lake.

Buss found that the plan as presented does not meet the criteria for granting a variance and recommended that the application be tabled to allow the Kruegers to revise the plan and provide additional information that would minimize the variance with minimal impacts to the lake.

Chair Maefsky opened the public hearing at 7:17 p.m.

John Krueger, 12199 205th Street, Applicant: Mr. Krueger asked how long the request could be tabled. Planner Buss explained the 120-day statutory review could be extended with their permission and given as long as they need to revise the plan and bring it back with the additional information requested by staff to the Planning Commission when it is ready. Chair Maefsky explained that a revised plan would not necessarily be approved, but would have to meet the intent of the Shoreland Ordinance. The requested information is needed in order to make a decision.

Mr. Krueger stated that the character of the lake would not be changed since there are other properties on the lake with structures close to shore with no screening. Maefsky stated that the Commission found that other properties near the Krueger property are well-screened from views from the lake. Planner Buss added that neighboring properties do not have structures within the required Shoreland setback.

Mr. Krueger explained that the boulder wall on the south side of the house over the septic field could be moved or minimized to just steps going down the hill – there is a stone walkway in this location currently.

There were no other public comments and Chair Maefsky closed the hearing at 7:22 p.m.

Chair Maefsky explained her concern that this plan is encroaching further into the setback than the 60-foot setback approved in 2013, and would not approve of a change to that decision. She noted the many recommendations for revisions to the plan. Commissioner Hogle agreed that the 60-foot setback would be consistent with the prior approval. Planner Buss added that this would account for some grading that would occur around the pool and to make sure no grading occurs within the 50-foot Zone.

The Commissioners discussed Buss's recommendations in the staff report that listed the items needing to be revised and shown on a survey. It was suggested to change 1.b) to “Locate all accessory structures outside the required structure setback”.

Buss explained that reducing the impervious surface as recommended in 1.c) would require the patio areas to be outside the setback and reduce the walkway to 4 feet in width. Buss will confer with the Building Official if there is a minimum standard for a walkway that could be added/replaced in this statement. Buss stated that 1.e) and 1.f) would be removed from the revisions as the sand surface and wood steps are existing features.

The Engineer requests in paragraph 2 were reviewed. Buss will ask the Building Official if pool construction plans require an engineer's sign-off, as the depth of the pool was questioned. It was recommended to add language to the landscape plan in 2.g) to provide long-term screening on the lakeside of the pool and structures. Chair Maefsky noted the sandy soil observed on the site visit and that an erosion control plan is clearly needed.

Jen Sorenson, DNR Water Specialist, was present and commented that the agency's concerns have been addressed in the staff recommendations.

Planner Buss summarized the expectations of the next review that would come before the Commissioners. The structures would need to be shown on a survey moved outside of the 100-foot lake setback, and all grading moved outside the Shore Impact Zone. The impervious surface must be reduced as much as possible, the Engineer's comments addressed, and a landscape plan must be submitted with screening shown as part of the tree replacement plan. Chair Maefsky asked about the conditions that were part of the 2013 approval, specifically the lighting requirements. Buss stated that these could be incorporated into conditions if the variance to construct the pool moves forward.

Commissioner Hogle asked if it would be appropriate to comment on chances of approval at this time. Administrator Handt advised that this couldn't be determined without having results of soil tests and the survey showing if the pool can even meet a 60-foot setback. The applicants have been directed on the necessary requirements, and they can decide if they wish to pursue it further.

Squyres, seconded by Loeffler, moved to table the variance application with the recommendations in the staff report and as discussed. The motion carried 4-0.

PUBLIC HEARING: ORDINANCE NO. 164 – AMENDING THE DEVELOPMENT CODE, REGARDING THE INDUSTRIAL PARK DISTRICT

Planner Buss introduced proposed Ordinance No. 164 that would reduce the types of businesses that require a Conditional Use Permit in the Industrial Park District and change these to permitted uses, and expand the list of permitted uses. Performance standards were added as Section 8 which would apply to all uses in the IP District. There was consensus at the last meeting to proceed with these changes.

Chair Maefsky opened the public hearing at 7:58 p.m. There were no comments and the hearing was closed.

Loeffler, seconded by Squyres, moved to recommend approval of Ordinance No. 164 as presented. The motion carried 4-0.

The recommendation to approve Ordinance No. 164 will be presented to the City Council at their September 15th meeting.

DRAFT ORDINANCE NO. 165: SIGN ORDINANCE UPDATE AND SCANDIA ARCHITECTURAL GUIDELINES

The Planning Commission has been discussing changes to the sign ordinance over the last few meetings in response to comments from the EDA that some of the City's sign regulations should be changed to better support community events and local businesses. The EDA discussed the latest revisions at its August 10th meeting and provided additional comments for further discussion. Sue Rodsjo and Council member/EDA member Dan Lee joined in the discussion.

After those meetings, staff received information about a recent Supreme Court decision that dramatically impacts how local governments may regulate signs. Attorney Ben Klocke presented a memo that summarized the decision and concluded that municipalities may not enact or enforce sign ordinances that differentiate based on the topic or content of the sign. Therefore signs for community events, garage sales, real estate signs, advertising signs, etc., may not have restrictions that are specific to a topic or category. Restrictions may be limited to matters that have nothing to do with the message, such as size, lighting, movability, moving parts and such.

Planner Buss explained that the League attorney interpreted that political signs fall under the non-commercial definition and their regulation would follow state statutes; no distinction should be made between commercial and non-commercial and to regulate by size, location or color, but not content. Buss stated that enforcement would be easier once this change is made.

Buss reviewed the draft ordinance and it was concluded that the definition of abandoned sign needs further work to conform to the ruling that distinctions not be content based by a time, event or purpose that no longer applies.

Buss noted that definitions for height and types of signs (awning, freestanding, monument, off-premises, etc.) were added. Language for portable signs is made clear that these types of signs could be on wheels. It was recommended that a definition for sandwich board be added.

Buss reviewed the many updates to Section 2 to be consistent with the recent ruling. 4(D), non-commercial/political, was moved to no permit required in 3.13(2). 4(E) allows for backlit signs on commercial properties that abut Highway 97 in the VMU A and B and all R COMM districts. Ms. Rodsjo disagreed and noted that the Design Guidelines strive for the dark skies concept and that illuminated signs take away from the rural atmosphere. Administrator Handt advised the Commissioners that this be left in the ordinance for the public hearing and the Commissioners should discuss whether to allow for backlit signs at that time.

Council member Lee stated that the more complicated issues such as this could be more thoroughly reviewed as the City prepares for the Comp Plan update, but a workable ordinance is

needed at this point in order for event signs and banners to go up in time for promotion of upcoming events.

4(H).5 was removed as it was concluded to allow for 3 development signs per project with the developer deciding the locations. A 50% obstruction of view was added to 4(N).3 to make the language less subjective.

“Square feet” was added to 5(A) to clarify total area permitted. There was much discussion on this interpretation of maximum area allowed and it was decided to leave it as is. Pennants were added to the list of types not permitted in 5(F). As references to types of signs are no longer used, there was discussion on how to distinguish temporary signs in (6)(C). Buss will consult with the League on how to make that distinction. Loeffler recommended that the time allowed be changed to “signs may be up for 34 days” to simplify the sentence.

Discussion continued on Section (8) Off-Premises Signs. “Directional” was removed, and “one sign facing each direction” added to clarify that 2 monument signs are allowed. The reference to Scandia Community Sign Guidelines was removed as it would not apply here – these were adopted for park signage.

The Commissioners moved into a discussion of the revised Architectural Design Guidelines, as the section on color was removed per the EDA recommendation and the section on backlit signs was revised to be consistent with the change to the ordinance, also recommended by the EDA. References to sign topics were also deleted, as was “portable sign” from the list of inappropriate signs.

Loeffler, seconded by Squyres, moved to keep the new language for lighting storefront signs in the draft ordinance that will be put out for a public hearing for the purpose of discussion.

Chair Maefsky stated that she disagreed and that the ordinance should be presented to be more in line with how it is now written, and this issue could be brought up at the public hearing for discussion, and to leave backlit signs as inappropriate within the Design Guidelines. Maefsky explained that there are ways to shine lights on signs to make them visible that do fit into what is allowed.

Maefsky called for a vote on the above motion. Yes – Loeffler; No – Hogle, Squyres, Maefsky. The motion failed 1-3.

The addition of Off-Premises Signs in the Architectural Guidelines was addressed. Language will be added to allow one sign from each direction. Buss will research wording on how to indicate that multiple businesses be on one sign. It was suggested that the zoning districts be indicated (VMU A or B) where off-premise signs are allowed. Buss recommended this new section, which off-premise signs may be allowed only in the VMU A or B with multiple spaces for businesses is left in for the public hearing as part of the discussion. Maefsky asked that the photo of the Gateway Bank be removed from the examples on page 52.

Temporary Signs on page 53 will be revised to match the language in the ordinance. Pennants will be added to the list of inappropriate signs on page 56.

It was concluded that portable signs as presented in the draft ordinance remain for purposes of discussion at the public hearing.

Squyres, seconded by Loeffler, moved to hold a public hearing on the revised sign ordinance with the changes as discussed. The motion carried 4-0.

Buss was directed to prepare the draft sign ordinance for a public hearing to be scheduled for October 6, 2015.

MAEFSKY REQUEST TO HOLD SPECIAL PLANNING COMMISSION MEETING

Chair Maefsky recommended that the Commissioners hold a Special Meeting to view a recording of Ed McMahon's presentation on the "Dollars and Sense of Preserving Community Character." Maefsky explained that this was viewed a few years ago during the Comprehensive Plan Committee meetings. She asked that the EDA members be invited to attend. It was decided to hold this special meeting on September 17th at 4:00 p.m.

ADJOURNMENT

Loeffler, seconded by Squyres, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk