

April 5, 2011

The Scandia Planning Commission held their regular monthly meeting on the above date. Commission Chair Maefsky called the meeting to order at 7:00 p.m. Following the Pledge of Allegiance, roll call was taken. The following were in attendance: Commission Chair Christine Maefsky, Commissioners Tom Krinke, Steve Philippi and Peter Schwarz. Absent: Planning Commissioner Jan Hogle. Staff present: City Administrator Anne Hurlburt, City Planner Sherri Buss, Building Official/Maintenance Supervisor Steve Thorp, Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

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

Schwarz, second by Maefsky, moved to approve the March 1, 2011 minutes as presented. The motion carried 4-0.

VARIANCES FOR LOT SIZE AND SETBACKS TO ALLOW CONSTRUCTION OF A SINGLE FAMILY DWELLING AT 19780 MAXWILL AVENUE. TIMOTHY BOLTON, APPLICANT

A public hearing was held for Timothy Bolton's application for variances including lot size, setback from the Ordinary High Water level (OHW) and frontage on a public road to construct a single-family residence at 19780 Maxwill Avenue. The vacant parcel includes shoreland on the east side of Big Marine Lake and is approximately a half acre in size. An easement provides access to the property via a private driveway off of Maxwill Avenue.

City Planner Sherri Buss presented the planner's report which recommended approval of the variance application with findings and conditions incorporated into a draft resolution. Planner Buss reviewed the report which concluded that a single family residence is a reasonable use for the property located in the General Rural District, and that a hardship not created by the landowner does exist. Planner Buss stated that the variances granted should be the minimum needed to alleviate the hardship.

The submitted plans showed that a setback of 82 feet from the OHW is necessary to allow for placement of the home on the lot, and to meet the requirements for the septic drainfield. Based on DNR interpretation of the shoreland rules, Planner Buss recommended that the deck and stairway be removed or relocated to meet the 100-foot setback from the OHW level. The rationale was explained that a stairway and deck do not meet the hardship requirements for the proposed reasonable use of the property, and both could be redesigned or relocated to meet the 100-foot setback.

The City Attorney reviewed the easement description and warranty deed and concluded that the easement provides sufficient access for this property to a public roadway, therefore allowing a variance for frontage on a public road.

The plans were also reviewed by the Carnelian-Marine-St. Croix Watershed District. Their requirements for stormwater management and erosion control were included in the conditions of approval.

The Applicant will be required to submit a Landscape Plan identifying any trees or natural vegetation to be removed, and plans for restoration. An Administrative Permit will be necessary if significant trees are proposed for removal.

Planner Buss estimated that the initial plans appear to meet the maximum allowable lot coverage. When final building plans are submitted, lot coverage not to exceed 25% of the total area will be verified.

Planner Buss concluded the report by presenting the findings and conditions of approval.

Commission Chair Christine Maefsky opened the public hearing at 7:18 p.m.

Timothy Bolton, 5310 159th Street, Hugo, MN: Applicant Timothy Bolton stated that there will be a change in the orientation of the septic rock beds as shown on the submitted survey, but that the volume area will not change. Mr. Bolton confirmed this with Pete Ganzel, of the Washington County Department of Health and Environment.

Commissioner Schwarz inquired about the shed located near the shoreline as shown on the survey. Mr. Bolton stated that the survey is dated 1995 and that the shed has since been removed.

Jim Schmidt, property owner of 19770 Maxwill Avenue: Mr. Schmidt was concerned that the survey showed a broken line, that being the property line prior to a lot adjustment dispute in 1993, and that the sideyard setbacks may be incorrect. Mr. Schmidt inquired which property line the planner used in determining setbacks. Planner Buss stated that the solid line is the legal property boundary, and the sideyard setback of 10-feet is met. This will be verified when a current survey is submitted with the building plans.

Commissioner Philippi inquired if the setback is determined by the roof overhang. Building Official Thorp replied that the setback is measured to the foundation block.

Mr. Schmidt questioned how the driveway easement to Maxwill Avenue will be improved to allow for access by emergency vehicles. Building Official Steve Thorp explained that the applicant will be responsible to meet the requirement that the road be accessible; this does not mean improvement beyond what now exists. Planner Buss stated that there are no recommendations for improvements to the driveway.

Eunice Cote, property owner of 19760 Maxwill Avenue: Ms. Cote asked for confirmation about the location of the easement to allow access to Maxwill Avenue. Mr. Bolton pointed out the direction of the easement on the survey. The access is via an existing road to the south.

Mr. Bolton asked if relocating the deck and stairs to the northwest corner of the house will meet the 100-foot setback. Planner Buss agreed that this should meet the required setback, and will be verified with the final plans.

Christine Robel, real estate agent for Mr. Bolton: Ms. Robel asked if the broken line on the north side of the survey indicated the old property boundary. The property owners who were present stated that the lots were adjusted in 1991, and the broken line indicated the old boundary.

Jim Schmidt: Mr. Schmidt questioned the square footage and number of stories the proposed house will have. Planner Buss stated that the house is a one-story walkout which is approximately 3,500 square feet. Mr. Schmidt stated that a house of this size is out of character to the existing smaller cabins in the neighborhood, and too big to fit in the existing lot.

As there were no additional comments, Commission Chair Maefsky closed the public hearing at 7:38 p.m.

Commissioner Schwarz suggested that Condition #6 be rewritten to state “All fees and escrows be paid by the applicant”. Administrator Hurlburt indicated that in some instances, another party may be paying the fees, which is acceptable to the City as long as fees are paid.

Commissioner Krinke inquired as to how lot coverage will be determined to be under the 25% limit. Planner Buss stated that she estimated this value by looking at the plans, but that Building Official Thorp will verify this when the building permit application is submitted. A permit could not be issued if the total lot coverage exceeded the 25% limit.

Commissioner Schwarz questioned if the survey, originally done in 1993, was accurate. Planner Buss replied that City Attorney Hebert was satisfied with the survey at this point. The submitted survey was updated in 2003.

Commission Chair Maefsky inquired if reducing the size of the house should be pursued in order to meet the setback requirements. Administrator Hurlburt explained that doing this would reduce the size of the house by at least half. Asking for a smaller foundation size could result in a taller house being constructed, which could look like a three-story from the lakeside. There are other structures in the neighborhood that are closer to the lake.

Commissioner Maefsky stated that there should be assurance that the plans looked at during this meeting be consistent with the final plans that are submitted for a building permit. City Administrator Hurlburt explained that the conditions should include a statement that the final plans be substantially consistent with those submitted for the variance application.

Commissioner Philippi was concerned that it is premature to approve the variance with the changes to the plans, such as the orientation of the septic rock beds and the relocation of the deck and stairs. Philippi suggested that the hearing be continued to allow for review of updated plans. There may be significant changes to site grading and in the floor plan. Administrator Hurlburt explained that variance approval establishes the basic parameters the applicant is to work with,

and the final architectural plans will determine the placement within these parameters. The application for the building permit will verify that the parameters are met. Approaching the application by trial and error is costly. The conditions for approval are consistent with decisions put forth by the DNR.

Schwarz, second by Krinke, recommended to the City Council to approve the variance request for construction of a single-family dwelling at 19780 Maxwell Avenue, with the recommended findings and conditions contained in the planner's report, as amended with an addition to Condition #6. The motion carried 4-0.

SITE VISIT GUIDELINES

The Planning Commission reviewed the Site Visit Guidelines which were adopted in 2007 to establish procedures for conducting group visits to sites of issues or applications that come before the Planning Commission. The Commission discussed having more flexibility in setting the dates of site visits. It is important to avoid using e-mail to set the meeting times, as that could be a violation of the Open Meeting Law. City Administrator Hurlburt will rewrite the guidelines to set site visits as prior to the meeting during Daylight Savings Time and on the Sunday prior to the meeting during Standard Time. If an alternative is necessary, the Commission Chair will make that determination, to avoid a chain of e-mails.

REVIEW OF DEVELOPMENT CODE REQUIREMENTS FOR WIRELESS COMMUNICATION ANTENNAS AND TOWERS (CHAPTER 2, SECTION 4.30)

The Planning Commission continued a review of the wireless communication antennas and towers ordinance. Planner Buss presented draft amendments which addressed the issues raised at the March meeting.

A definition of "stealth towers" will be included in the definitions section of the code. Commission Chair Maefsky recommended that "historic windmill" be added as an example of a structure that would blend with the landscape.

Commissioner Philippi recommended that visual simulations submitted for construction of new towers show the overall capacity of additional collocation antennas.

Planner Buss noted the key changes to Section 2, Permits. Adding a new antenna on existing permitted towers will require an administrative permit, rather than the currently required CUP. This will encourage collocation.

Towers will be allowed in the Ag Core District, provided they are placed on existing buildings and utilities where feasible and located to cause minimal disruption to agricultural operations. The Commission agreed to remove placement in road rights-of-way from the standard in the AG Core.

The Commission agreed to the priority listing provided in Section 7(C) Preferred Locations. No changes were noted to Section 7(D) Preferred Support Structures.

Currently the ordinance allows for towers up to 300 feet in height. The draft will revise this to no taller than 150 feet, with a one-mile separation limit. The Planner's memo included information from Steve Stulz, AT&T representative, which addressed tower height and coverage area. A 150' tower can service an area of 3-4 square miles. A 75' tower generally serves one square mile. It would take 3 to 4 75' towers to cover the same area as a 150' tower. A 75' tower can accommodate one antenna, whereas a 150' tower can collocate up to three antennas.

Commissioner Schwarz would be in favor of a lower number of taller towers to meet coverage requirements. The Commission requested that Mr. Stulz be consulted as to the separation requirement for towers in the 150-195' range.

In Section (9) Performance Standards, Planner Buss explained that lot size requirements were replaced with setback requirements of the underlying zoning district, and that stealth towers not to exceed 75' are the only type allowed within ¼-mile of State Highway 95, along a designated Scandia scenic by-way, or within the Historic Village Area.

Commission Chair Maefsky suggested the setbacks be changed back to at least what is current, that being 300 feet from any residential dwelling other than the dwelling on which the tower is located.

The Commission agreed to review another round of edits at their May meeting. Planner Buss will prepare a clean version, along with a red-lined version of the current ordinance.

Commissioner Philippi stated that Scandia's cell tower requirements should be closely compared to adjoining communities, to avoid having too lenient of rules which could encourage construction of towers which service more customers outside of the Scandia area. He would not like Scandia to be a magnet for cell tower construction.

ADJOURNMENT

Schwarz, second by Krinke, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 9:03 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk