

March 2, 2010

A regular meeting of the Scandia City Council was held on the above date. Acting Mayor Pete Crum called the meeting to order at 7:00 p.m. Following the Pledge of Allegiance, roll call was taken. The following council members were present: Council members Connie Amos, Pete Crum, John Lindell and Dolores Peterson. Mayor Dennis Seefeldt joined the meeting at 7:20 p.m. Staff present: Administrator Anne Hurlburt, City Attorney Dave Hebert, Building/Code Official Steve Thorp, Deputy Clerk Brenda Eklund.

APPROVAL OF THE AGENDA

Peterson, second by Amos, moved to approve the agenda as presented. The motion passed unanimously.

UTILITY PERMITS – FRONTIER COMMUNICATIONS

Frontier Communications has applied for utility permits to replace underground telephone cable along Oldfield Avenue, north of Oakhill Road, and to install service to a new residence at 23367 Paris Avenue. **Amos, second by Peterson, moved to approve Utility Permits for Frontier Communications along Oldfield Avenue and at 23367 Paris Avenue. The motion passed unanimously.**

CONSULTING AGREEMENT WITH EDAW/ AECOM FOR ZAVORAL MINING AND RECLAMATION PROJECT EIS

A revised Environmental Impact Statement Scoping Decision was approved by the Council on January 19, 2010 due to changes in the Zavoral project as proposed by Tiller Corporation. A new contract with the City's consultants, AECOM, is necessary to reflect the revised scope of the EIS.

Leslie Knapp, AECOM, was present to address the new agreement. Because of significant changes in the work plan, it was determined to be best to close out the previous contract, and to move forward with a new contract for the remainder of the project. The work plan will address additional analyses of the Scandia Mine site, located on Manning Avenue near 225th Street, resulting from the transport of mined material from the Zavoral site. The contract states a cost for preparation of the EIS of \$318,394, which will be paid by Tiller Corporation.

Mike Caron, Tiller Corporation, was present to answer questions pertaining to the mining activity at the two sites.

Peterson, second by Amos, moved to approve a new consulting agreement with ED AW, Inc./ AECOM for preparation of the Zavoral Mining and Reclamation Project EIS. The motion passed unanimously.

The Planning Commission meeting was called to order at 7:30 p.m. The following were present: Commission Chair Chris Ness, Commissioners Tom Krinke, Christine Maefsky and Peter Schwarz. Absent: Commissioner Susan Rodsjo. Staff present: City Planner Sherri Buss, TKDA.

VARIANCES TO ALLOW CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING AT 23267 LOFTON COURT – JOE AND JOHN RUNK
(RESOLUTION 03-02-10-01)

Joe and John Runk have requested approval of variances from the Ordinary High Water (OHW) level setback, bluff line setback and lot size requirements to allow construction of a new single family dwelling with attached garage. The property is located at 23267 Lofton Court, with frontage on Bone Lake. The lot is approximately 0.45 acres. There is currently an existing house, shed and boathouse on the property.

City Planner Sherri Buss presented the planner's report which recommended approval of the variances. A single family dwelling is a reasonable use of the property, and the existing lot is too small to allow for a new dwelling which meets all Ordinance requirements.

The proposed setbacks from the OHW of 85 feet and 15 feet from the bluff line are the same as the existing cabin. The request does not increase the encroachment into the OHW and bluff line setbacks. The right-of-way and side yard setbacks conform to the required setbacks.

The site plan shows a deck extending approximately three feet closer to the lake than the existing dwelling. Planner Buss recommended that the proposed deck be scaled back in size so that it is not less than 68 feet from the front lot line.

The applicant proposes to remove the shed near the road but keep the existing boathouse. Historically, the City has required that accessory structures not meeting setback requirements be removed when considering setback requests in the Shoreland Management District. Planner Buss recommended that the boathouse also be removed, or relocated, so that it is no closer to the OHW than the dwelling and to a location that conforms to side yard and right-of-way setback requirements.

Chairman Ness opened the hearing to the public.

Cal Floerke, 23259 Lofton Court: Mr. Floerke asked if there is room on the lot to build a garage. Chairman Ness answered that the plans show an attached garage. Mr. Floerke stated that he was in favor of granting the variances.

As there were no other comments, Chairman Ness closed the hearing to the public.

Commissioner Schwarz offered an alternative to scaling back the size of the deck. At the site visit, it was clear that there is at least ten feet of room to move the house towards the road, which could allow for the deck to remain at the proposed size and still meet the setback requirement of 85 feet from the OHW.

Commissioner Krinke questioned why the OHW was not indicated on the survey. Planner Buss explained that the survey provided by the applicant did not show the exact location of the bluff line and OHW, but the setback distances could be estimated using the front lot line (waterfront lot line) as an exact reference point for specifying the distance of the structure from the lake. The existing and proposed dwellings are 68 feet from the front lot line. The conditions stated in the

resolution designate that the structure be a minimum of 68 feet from the front lot line, because the OHW setback of 85 feet and bluff line setback of 15 feet are estimated distances. Planner Buss felt the extra expense of having the applicant submit a survey showing the exact OHW was not necessary, as the property line survey had enough information. The OHW elevation for Bone Lake is 909.1 feet.

Chair Ness stated his agreement with Commissioner Schwarz that there is room to move the house footprint away from the lakeside to allow the deck to remain at the proposed size. Wording in condition one of the draft resolution was changed to reflect this option.

The Planning Commission recommended to the City Council to adopt draft Resolution 03-02-10-01, Approving Variances for 23267 Lofton Court, with modification of condition #1 to allow the applicant an option of either scaling back the size of the deck or locating the structure back so that no structure is less than 68 feet from the front lot line.

Council member Lindell asked for clarification of the standards of determining a hardship.

Peterson, second by Amos, moved to accept the recommendation of the Planning Commission to adopt Resolution 03-02-10-01, Approving Variances for 23267 Lofton Court. The motion passed unanimously.

WORK SESSION ON DEVELOPMENT CODE UPDATE

The Planning Commission and City Council moved into a work session to continue discussion on Chapter Two, Zoning Regulations, of the updated Development Code.

Attorney Hebert addressed formatting in section 1.0 and language in 2.5, Agriculture Preserves District.

Section 2.8, Village Mixed Use A District (VMU A), was reviewed. This area is designated in the Comprehensive Plan as the historic village center, and is a mixed use of commercial, office, institutional, recreational and residential land use. The character of the district will be preserved by enforcement of design guidelines for commercial buildings. The goal is to recognize historical structures and dimensional standards of the lots in the village area.

The list of permitted uses and those uses permitted with a Conditional Use Permit were discussed. "Convenience grocery markets" and "essential services" will be more thoroughly defined. Copy/printing services will be listed under CUP uses, rather than as a permitted use, mainly due to hours of operation. Businesses such as this may operate 24 hours a day. This could be a type of business allowed outside of the VMU-A district.

A few businesses were moved to the Permitted Uses listing, off the CUP listing, including delicatessens/coffee houses without a drive-through, florist shops, and studios (artist, dance, music, photography and similar uses).

Hotels, motor vehicle service stations, and wind energy conversion systems were removed as allowed uses in the VMU-A district.

In reviewing those uses allowed with an Administrative permit, it was decided to remove temporary dwelling units.

Review of the draft zoning chapter will continue at the next regular meeting of the Planning Commission and City Council on April 6, 2010.

Crum, second by Amos, moved to adjourn the meeting.

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk