

January 23, 2007

The City of Scandia Planning Commission held their regular monthly meeting on this date. In attendance were Chairman Chris Ness, James Malmquist, Peter Schwarz and Kevin Nickelson. The minutes from the November 14 and December 5, 2006 meetings were approved with a motion by Malmquist and a second by Schwarz.

German Lake Vista Preliminary Plat, Variances

Mr. Ned Froberg, Hult & Associates, presented a preliminary plat for applicant German Lake Ventures, LLC, Robert Briggs, 1809 Northwestern Ave., P.O. Box 262, Stillwater, MN 55082. Location: Sec. 18, NE ¼ of the SE ¼, S ½ of the SE ¼, and Sec. 17, W ½ of the NW ¼ of the SW ¼, 11262 Scandia Trail North. The applicant proposes a major subdivision of 88.5 acres to create 8 lots. The property is located north of Scandia Trail, west of Lofton Avenue, and directly south of 218th Street on the eastern shore of German Lake. The proposed 8 lots are all first-tier lots on the lakeshore, which have a 5-acre minimum on a Natural Environment Lake, and range in size from 7.73 acres to 14.74 acres. The Applicant requests a variance to allow Lot 5 to have a lot width of 60 feet, and to allow Lot 7 to have a lot width of 120 feet. Scandia zoning requires 300 feet of lot width.

John Lindell, 11240 218th St., stated that he believed Lot 4 does not meet the 150 foot setback from the road, Lot 4 doesn't meet the drainfield setback, and Lot 4 doesn't have one acre of contiguous buildable land. Mr. Lindell also expressed concern about run off from the wetland on Lot 3, across proposed driveway, into the lake. He also stated that only 53 acres of land is being developed when you subtract the part of land under water and so the lots are actually smaller than stated. Mr. Lindell would like to see no variances granted. Mr. Froberg responded that the road setback on 218th Street, a residential, non-collector road, is 100 feet from the centerline or 40 feet from the road right-of-way, whichever is greater and Lot 4 meets that setback. There will be a culvert on Lot 3 under planned driveway to direct water overflow. The variances are being requested to protect existing wetlands by redirecting the road and cul-de-sac, which then determines the lot configurations. All lots also have one-acre of buildable land. *Janet Lindgren*, 11000 218th Street, asked if the lake is now at a real low point, what happens when the water comes back up again – will the houses be protected from rising waters? The Town Planner responded that the plan requires homes' lowest floor elevation to be 960.9 feet, which is 2 feet about the 100-year flood level. Mrs. Lindgren also asked what system is in place to deal with infringement on setbacks and building size. The City Administrator said that this is dealt with during the building process. *Mike White*, 13310 188th St., would like to see a 100-foot conservation easement of no cut around the lake to be held by the City.

The Planning Commission verified that all lots have at least 5-acres of dry land. There was also discussion about the maintenance of the proposed drainage basin and how the city has the right to go on private property to correct any drainage problems that occur. **Schwarz made a motion to recommend to the City Council that they adopt draft Resolution No. 01-23-07-01 to approve the preliminary plat of German Lake Vistas and Variance with the conditions and findings as drafted with the following changes. Condition 8 is changed to a \$12,000 park dedication fee, and Condition 9 is included in the covenants. Malmquist seconded the motion. The motion passed with Ness, Malmquist and Schwarz voting yes, and Nickelson abstaining.**

Amendments to the Development Code

Ordinance No. 96, an ordinance to amend Section 5, requiring a public hearing for minor subdivisions was presented by attorney Dave Hebert. There were no public comments.

Nickelson made a motion to recommend to the City Council they adopt Ordinance No. 96 to amend Section 5 of the Development Code to require a public hearing for minor subdivisions with the following changes to the last sentence. “The hearing shall be held within sixty (60) days of the date the request for subdivision is presented to the Clerk/Administrator. **If** approval of the Commissioner of Transportation and/or County Highway Engineer is required, ~~in~~ ~~which event~~ final action on the subdivision request shall not be taken until after the comments and recommendations of the Commissioner of Transportation and/or County Highway Commissioner have been received ~~or until the 60-day review period has elapsed.~~” **Malmquist seconded the motion and the motion passed.**

Ordinance No. 97, an ordinance amending certain sections of Ordinance No. 74 pertaining to zoning and subdivision regulations was presented by town planner Barry Farrington. *Ernie Kertscher, 21350 Olinda Trail*, asked how ironclad the covenants were that these open spaces would stay untouched, and who is responsible for the open space. Hebert said easements are held by a third party and the Homeowners Association can own the land. Even if the land is owned by the Homeowners Association, they have no development rights, but are responsible for maintaining the open space. *Ross Brunfelt, Orwell Ave.*, asked if this change in the Open Space Ordinance would prevent an automatic 5-acre density being given in a 10-acre density zone. Although he would prefer to see 10-acre lots where the land is all used than open spaces that no one uses and turn into a wasteland. Mr. Brunfelt felt that covenants are not perpetual and not enforceable. The Planning Commission suggested an ongoing inspection plan be put in place. **Nickelson made a motion to recommend to the City Council that they adopt Ordinance No. 97 to amend certain sections of Ordinance No. 74 pertaining to zoning and subdivision regulations. Schwarz seconded the motion and the motion passed.**

Ordinance No. 98, an ordinance to amend Chapter 2, pertaining to the zoning and subdivision regulations regarding woodland and tree preservation was presented by town planner Dick Thompson. *Mike White* asked how box elder trees were labeled. Barry Farrington said they are categorized as secondary deciduous trees if a certain size. *Alex Bildeaux* said there is a discrepancy between two-year guarantee by the developer in the ordinance, but only a warranty for one year. He would suggest a Letter of Credit for two years and eight months. **Malmquist made a motion to recommend to the City Council that they adopt Ordinance No. 98 to amend Chapter 2 of the Development Code, pertaining to the zoning and subdivision regulations regarding woodland and tree preservation with the following changes. Section 3, item (K), change *Acer Negundo* to *Acer Segundo*. Section 8, item (B) 2., change clause in last sentence to “in no event shall the performance guarantee be released earlier than ~~one~~ (1) ~~year~~ completion of the warranty requirement after the date of the project closure.”** **Nickelson seconded the motion and the motion passed.**

Jon Rodgers – Variance

Ms. Barry Farrington, TKDA, presented the information for a variance request by Jon Rodgers to allow a setback of 33.5 feet (100 feet required) from the sewage treatment to Bone Lake Ordinary High Water level and a setback of 45 feet (100 feet required) from the sewage treatment system to the well, located at 23409 North Lofton Avenue. A new well and septic system are proposed. The OHW level was not staked. *Ernie Kertscher* said the request doesn't appear to comply with State standards. Malmquist and Schwarz asked how this could be a permitted septic and why is a backup location not required. Town attorney, Dave Hebert, said it was an existing parcel of record with a dwelling that used to be habitable with a septic and well and not allowing it could be considered a "taking". Counsel's advice is to rely on the expertise of those who issue the permits, and if they okay it, then accept their decision. There was discussion about asking for a Letter of Credit to insure performance. **Malmquist made a motion to table the variance request of Jon Rodgers until the Ordinary High Water level was staked, proof of the attempt to contact the owner and acquire land across the road for a septic system, ask the County to address the setback of the septic from the well, and ask for an extension on the 60-day review period. Nickelson seconded the motion and the motion passed.**

Performance Standards for Swimming Pools

After some discussion as to the merits of either fence or a pool cover to safeguard a pool, Nickelson made a motion to ask staff to draft an ordinance to amend the Development Code for performance standards for swimming pools to include pool covers for review at the February 6 meeting. Malmquist seconded the motion and the motion passed.

Willowbrook Community Church

Pastor Brad Reis was advised to proceed in making an application to amend the Shoreland Regulations to allow places of worship as a permitted use.

Malmquist made a motion to adjourn and the meeting adjourned.

Respectfully submitted,

Colleen Firkus
Planning Commission Secretary