

April 3, 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, Kevin Nickelson and Christine Maefsky. Commissioner Maefsky made a motion to amend the agenda to discuss Site Visit Procedures. Peter seconded the motion and the motion passed. Commissioner Malmquist made a motion to accept the minutes from the March 6 meeting. Commissioner Schwarz seconded the motion and the motion passed. Chairman Ness made a motion to accept the minutes from the March 13 meeting. Malmquist seconded the motion and the motion passed.

Sprint-Nextel CUP

Mr. Jason Hall presented Sprint-Nextel's request for a Conditional Use Permit to allow for the co-location of three antennas on the existing US Cable Tower and for the construction of three equipment cabinets in the existing compound at the base of the tower. The tower is located at 15072 Old Marine Trail North. City Planner Thompson presented his recommendations.

Chairman Ness opened the floor to public comment. *Mark Suchan*, 15097 Old Marine Trail, asked if signals would be received and broadcast, and whether it would interfere with other signals like digital television signals. Mr. Hall said it would not.

In the Planning Commission discussion, Schwarz asked if the fencing would enclose the guywires. Mr. Hall indicated it would not. Ness asked where the cabinets would be located. Mr. Hall said they would be between the tower and wooded area, within the fence, and well screened. Malmquist asked who is responsible for the gate since you can drive around it now. Mr. Hall said they would work with the landowner and the State of Minnesota to secure the gate/entrance. Nickelson asked if there is a correct legal description. City Attorney Hebert said the City needs a written legal description to include in the resolution and resolution cannot be signed without the legal description.

Commissioner Schwarz made a motion to recommend to the City Council that they adopt the draft resolution as presented with the approved legal description supplied. Malmquist seconded the motion and the motion passed.

Tii Gavo

Administrator Hurlburt reviewed the issues with the final plat application of Tii Gavo. Mr. Mark Sandercott and Mr. Roger Tomten participated in a discussion on the items as follows:

1. Community Well/Water System versus individual or shared wells. The original concept and preliminary plat proposals indicated a Community Well/Water System would be used, which partially justified allowing additional density bonus points. At the September 5, 2006 meeting, the change in the water system was noted on some revised plans that were submitted. However, the minutes and recollection of discussion for that meeting did not include any mention of a change in the water system. Mr. Tomten indicated that after checking into a Community Well/Water System it was discovered that it was not cost effective and would involve a massive infrastructure and treating water that would sit in lines. Also, a license to operate would be required. Mr. Tomten indicated they would be

encouraging shared wells. A plan was presented that showed possible locations for shared wells. However, well agreements would be necessary to address maintenance requirements. The Planning Commission felt it would be difficult to get homeowners to agree to share a well if they had a choice. Council Member Harnetty asked why encourage sharing – is there a difference between one or 37 wells? Mr. Tomten indicated it would be less expensive to have shared wells. Schwarz asked if it would be better for the environment. Mr. Sandercott said he knows of no precedent either way. Mayor Seefeldt said this is being sold as a green development, but individual wells doesn't meet that idea, and perhaps financial incentives could be offered to share wells and sell it as a green idea, not just economies of scale. Mr. Tomten indicated that under the current market, they don't want to mandate shared wells. Seefeldt suggested they drill the wells and charge the cost to the lots. The question remained as to whether or not this is a substantial enough change to require reviewing the preliminary plat. The assumption was made that a Community Well/Water System was environmentally friendly. Dan from Ayres and Associates indicated that in some cases a community system was better and other cases where it is not. Environmental contamination would be one reason for a community system. Chairman Ness said the project was presented as a green project with a community well/water system and this is a substantial change in the plat. The Commission would like to see environmental recommendations for the number of wells proposed. Also, it was suggested a homeowners association should manage the wells.

Commission Nickelson made a motion that they should be required to apply for an amendment to the preliminary plat and hold a public hearing because of the change to delete the Community Well/Water System from the project. Schwarz seconded the motion and the motion passed.

2. Park Dedication Fees. An agreement was reached between the City and the Developer that the full amount of the park dedication fees of \$1,500 per lot would be paid by the Developer, and a trail easement granted to the City for a possible future trail.
3. Project Phasing. The Developer has proposed to phase final platting with 29 of the 37 lots in the first phase. All of the infrastructure except for an approximately 1,300-foot section of Meadow Ridge Trail, the northern loop, would be included in the first phase. The base of the northern loop would be put in and then dressed with topsoil and seeded. The lots along this section would be platted as outlots to be developed in the future as building sites. City Engineer Tom Peterson said he would prefer to see that road paved with at least the first layer of bituminous surfacing. There is some risk that heavy equipment would damage the new Meadow Ridge Lane when it came time to put in Meadow Ridge Trail. It would be more cost effective to pave it now. If not, then wait to do the gravel with the blacktop as the gravel will get contaminated with the dirt and roots and would have to be removed. Engineer Peterson suggested the Developer do the grading, crown, ditch, and utilities now so only have to haul in gravel and blacktop materials later. Another issue is the storm water run off

for the whole site and that it doesn't change when it is time to put in the road. When asked how long the phasing would last, Mr. Sandercott indicated it would depend on the market. Commissioner Nickelson stated this is another change to the project. It's possible that the road will never be built and would this be an acceptable design since Meadow Ridge Trail is the main street through the development. Mr. Steve Kronmiller, Carnelian-Marine Watershed District, said he agreed with the engineer that the base coat of paving should be done now. Mr. Tomten indicated that in a discussion with the city's assessor the lots/outlots on Meadow Ridge Trail would be taxed at a higher rate if the northern loop was paved. Administrator Hurlburt said a financial guarantee should be required to finish the road if the lots were not subdivided. Chairman Ness indicated he liked the phasing plan.

Schwarz made a motion to recommend to the City Council that they approve the Phasing Plan, prepare the roadbed for Meadow Ridge Trail, don't gravel it and set money aside to protect the paved Meadow Ridge Lane and to insure completion of Meadow Ridge Trail. Nickelson seconded the motion and the motion passed.

4. Accessory Buildings. The preliminary plat approval required that plans showing the size, placement and design of the accessory storage building must be submitted. The Developer has indicated that these buildings will be "built on a demand basis," and that the design of the structures and the site layout of the lot will need approval from the Design Quality Committee. However, a red barn-style design was submitted at the meeting. Mr. Tomten indicated 12x24 spaces would be sold combining them to make larger spaces for greater needs. Attorney Hebert indicated the Developer would need to put in the restrictive covenants that no accessory structures would be allowed on the lots, and garage size maximums spelled out clearly. Zoning is covered by the Planned Unit Development, which would not allow accessory buildings because of the storage units, and it would supercede the development code.
5. Financial Guarantee. Attorney Hebert stated that as a matter of policy and history and ease of enforcement, financial guarantees should be in the form of a Letter of Credit, rather than a Performance Bond, and the city will insist on it.
6. Community Center Construction. The Developer would like to proceed with construction of the community center building as soon as possible to be ready for the fall Parade of Homes. The building is not currently an allowable use, so staff can't issue a permit at this time. However, the city and Developer could enter into an agreement authorizing a permit to allow the Developer to get started on the community building. The agreement should hold the city harmless if for any reason the project would not proceed, and require a financial guarantee for removal of any construction that might later be found to be non-conforming.

Chairman Ness made a motion to recommend to the City Council to enter into an agreement with the Developer to allow the construction of the community building. Commission Maefsky seconded the motion and the motion passed.

Text Amendment to Shoreland Regulations

Town Planner Thompson presented a revised draft text amendment to the Shoreland Management Regulations to allow Places of Worship within the Shoreland District. The revisions include a minimum lot area of 20 acres, a minimum setback of 500 feet (from 200 feet), and a requirement that the property have frontage on a City Collector, County Collector, or Minor Arterial. The Planner recommended approval. Commission Schwarz wondered if by allowing this change the city would be losing potential revenue through commercial development in that area as it is close to Manning Avenue. Commissioner Maefsky stated that she sees this as a major change of land use with long-term consequences. She said that as the City is just starting the revision of their Comprehensive Plan, she is not comfortable in changing the Shoreland Regulations at this time without more time for public input.

Commissioner Nickelson, as part of the public comments, said the change would not impact many other areas of the city, and other issues such as traffic and rural character don't pertain to the issue of whether it is appropriate to have a church on a lake. Also, the parcel is 40 acres removed from Manning Avenue and is not an area where there would be commercial development allowed. *Chris Dorman*, architect for Willowbrook Church said what will be built will be worked out with the Conditional Use Permit that will be required. Right now zoning would allow a feedlot with a 300-foot setback and that a public benefit would be less impact on the lake with the 500-foot setback. The church has no plan to develop on the lake; they want to be visible from the road. *John Lindell* agreed that the city should wait for the Comprehensive Plan review before making any changes in the ordinances, and that it seems like the ordinances are being changed every month. *Mr. Lindell* sees the church as a commercial enterprise. *Nickelson* said the city will always be doing more Comprehensive Plans and doesn't feel it is necessary to put everything on hold, as the current Comprehensive Plan has been adequate. *Nickelson* also pointed out that a church is an institutional use, like the Girl Scout Camp, than a commercial enterprise. *Mr. Dorman* said that while the DNR will expect a more comprehensive review of the City's Shoreland Regulations if this text amendment passes, they did not see a problem with this text amendment. *Maria Hinz*, 182nd Street, expressed her main concern in changing the Shoreland Regulations is what will come in after the church leaves. *Mike White*, 188th Street, said if the church is anything like the Girl Scout Camp, then he welcomes a church. *Pastor Reis* said churches are one of the main things people look for when moving to a new community.

In further Planning Commission discussion, Chairman Ness said he would weigh having a church against the alternative of a housing development. Malmquist said he is concerned with the lake and a church on the property is better for the lake than housing. Council member Yehle

suggested taking out city collectors and that would limit the impact on the city's smaller lakes. Mr. Hebert suggested this would be like spot zoning.

Commissioner Malmquist made a motion to recommend to the City Council that they adopt the text amendment to draft Ordinance 102 to allow places of worship within the Shoreland District. Schwarz seconded the motion. Malmquist and Schwarz voted yes, Ness and Maefsky voted no, and Nickelson abstained.

Chairman Ness made a motion to forward the request to the Council without a recommendation. Schwarz seconded the motion and the motion passed.

Mining Ordinance Draft

Town Planner Thompson reviewed the latest changes to the draft of the City's mining ordinance. Thompson suggested another work session with interested members of the public involved. A committee was appointed with Commissioners Nickelson and Malmquist, and Council members Crum and Yehle.

Site Visit Procedures

Commissioner Maefsky verified that site visits by the Planning Commission are considered open meetings and are posted as such with a time and location. She would like to see a written policy making clear the purposes of the site visits. For example, it is an information gathering session only with no deliberations. Maefsky offered to write up a procedure to adopt at the next meeting.

Note Comprehensive Plan meeting on Monday, April 9 at 7:00 p.m.

Chairman Ness made a motion to adjourn and the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Colleen Firkus
Planning Commission Secretary