

July 2, 2013

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:00 p.m. The following were in attendance: Commissioners Sue Bies, Jan Hogle, Peter Schwarz and Commission Chair Christine Maefsky. Commissioner Steve Philippi arrived at 7:08 p.m. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

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

Hogle, seconded by Schwarz, moved to approve the June 4, 2013 minutes as presented. The motion carried 4-0.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 141, AMENDING THE CITY OF SCANDIA DEVELOPMENT CODE, CHAPTER 2, SECTION 4.24 SWIMMING POOLS

City Planner Sherri Buss explained the proposed amendment to the Development Code which would allow the use of an ASTM-approved automatic safety cover as an acceptable enclosure for swimming pools. The Planning Commission had previously recommended no changes to the current ordinance which requires a minimum 4-foot fence with a self-closing and latching gate to completely enclose the pool. At their May 21, 2013 meeting, the City Council voted to hold a public hearing on an ordinance to allow covers as an alternative to a fence.

Commission Chair Maefsky opened the public hearing at 7:05 p.m.

John Krueger, 12199 205th Street: Mr. Krueger stated that he is proposing to build a pool on his property and would be in favor of the amended ordinance. He said that it is a good idea and makes sense. He would be concerned about deer entering his pool, but the requirement that the cover support a minimum of 500 pounds would be sufficient to not collapse.

There were no other comments and Chair Maefsky closed the hearing at 7:06 p.m.

Commissioner Schwarz stated that he still has the same objections – who would be responsible for closing the cover when not in use?

Commissioner Hogle added her concerns about deterioration – how would an owner know that the cover continues to meet ASTM standards?

Chair Maefsky stated that she also has the same concerns as noted at earlier meetings – could a teenager be relied on to close the cover, and would deterioration occur? Maefsky noted the safety rating score from a study, in which a fence was rated a few points higher than a pool cover alone. For truly adequate safety, the study recommended both a fence and cover. Hogle said that each by itself protects against different things.

Commissioner Philippi said that there has been no new testimony which would change his mind from not amending the ordinance.

Schwarz, seconded by Hogle, moved to recommend no change to the Development Code, Chapter, Section 4.24, as it pertains to swimming pools. The motion carried 5-0.

The City Council will consider this recommendation at their July 16 meeting.

PUBLIC HEARING: VARIANCE FROM THE ORDINARY HIGH WATER LEVEL TO CONSTRUCT A SWIMMING POOL AT 12199 205TH STREET. JOHN KRUEGER, APPLICANT. (RESOLUTION NO. 07-02-13-01)

John Krueger has applied for a variance from the Ordinary High Water Level (OHWL) of Big Marine Lake to construct a swimming pool and hot tub on his property at 12199 205th Street.

City Planner Buss presented an overview of the request. Due to the location of the home, driveway and septic system, the property is limited as to the placement of the pool. An area east of the septic field would meet the setback, but it is a long way from the house and would require the removal of existing trees. The applicant is proposing to locate the pool approximately 60 feet from the OHWL of the lake (100 feet is the lake setback requirement). All other setbacks and lot coverage are met.

Buss noted that the Carnelian-Marine-St. Croix Watershed and DNR had no objections. The Watershed will require a buffer permit and an erosion control permit. The DNR suggested that the City could require screening if noise or other activity is likely to impact lakeshore owners.

Buss recommended approval of the variance with findings and conditions as written into a draft resolution. A survey must be provided to verify that the pool and hot tub be no closer than 60 feet from the lake's OHWL. Buss noted that Condition #3 would be revised to reflect the Watershed's buffer permit requirement.

Commission Chair Maefsky opened the public hearing at 7:22 p.m.

John Krueger, 12199 205th Street, Applicant: Mr. Krueger explained that the site plan may not be to scale; he did not have the property surveyed yet without knowing if his variance could be approved. Mr. Krueger stated that any lighting he adds will be inside the pool and along the walkway, and will not be directed upwards. He added that the proposed location is the best site on the property for the pool.

David Weber, 20340 Maxwill Avenue: Mr. Weber stated that he lives across the lagoon and is concerned about sound traveling across the water. He would like to see a fence and a natural vegetation barrier included in the plans to suppress the sound of pool activities. Mr. Weber added that any lighting should be minimal.

City Administrator Kristina Handt noted that she had taken a call from neighbor Teresa Peterson who had concerns about the lighting.

Planner Buss explained that the lighting ordinance requires hooded or controlled lighting and should not be viewed from across the lake. The lighting should not be facing the neighboring property. Handt noted that the suggested landscape screening could minimize lighting impacts.

Mr. Krueger said that the pool equipment will be screened with a retaining wall.

There were no other comments and Chair Maefsky closed the hearing at 7:31 p.m.

Chair Maefsky asked for the lighting requirement to be explained – could it be reasonable to expect that lights are not visible from across the lake? Buss offered wording for a condition that the applicant shall maintain the existing vegetative screening between the pool and the lake as much as possible. Any trees removed for the construction of the pool must be replaced in accordance with the Shoreland Ordinance. In addition, the light source must be focused on the pool and house and not directed toward the lake or adjoining properties.

Commissioner Philippi stated his concerns about the contours and slope of the property. The amount of grading and fill needed for the construction of the pool could impact the existing slope and result in toeslope failure (a slope break on the terrace). He recommended a soil investigation be conducted.

Philippi asked for clarification that the hot tub and pool deck be no closer than 60 feet from the OHWL.

Buss suggested that a condition be added that the City Engineer review the grading plan before a building permit is issued. Wording of the resolution would be revised to reflect compliance with the 60-foot setback.

Philippi said that he was uncomfortable with the level of information they had to make any judgment on the request. He would like to see a more definitive plan drawn to scale, with topography, surrounding patio, fence and wall locations.

Maefsky felt that with the Watershed permits and conditions, there is enough specific direction for protection of the lake.

Commissioner Hogle agreed that she is comfortable with the Watershed and Engineer approving the plans, and she would have nothing else to add to it.

Hogle, seconded by Maefsky, moved to approve PC Resolution No. 07-02-13-01, Approving a Variance for 12199 205th Street, with amended conditions as noted by staff.

Commissioner Schwarz asked why a survey was not required for review of a plan of this magnitude. Buss explained that sketch plans have been acceptable for projects on larger lots such as this where lot coverage is not an issue. Buss gave examples of recent requests in both instances.

Mr. Krueger added that the pool contractors he met with would not release the plans until he had signed a contract with them, which he did not enter into until he could determine if building a pool was possible.

Chair Maefsky called for a vote on the above motion. The motion carried 3-2, with Philippi and Schwarz opposed.

The City Council will consider this recommendation at their July 16 meeting.

Buss offered that it may be helpful to have a policy for requiring the submission of a survey; for now they are absolutely required for projects on small lots.

PUBLIC HEARING: VARIANCE FOR CONSTRUCTION OF AN AGRICULTURAL BUILDING AT 18180 OLINDA TRAIL. CHARLES MANN, APPLICANT.
(RESOLUTION NO. 07-02-13-02)

Charles Mann has applied for a variance to build a new steel accessory building to replace an existing building that was damaged by a storm this spring on his property at 18180 Olinda Trail. The property is 8.6 acres in size.

City Planner Buss presented an overview of the request. The applicant is proposing to retain 2 existing buildings that total 936 square feet. The new building will be 2,000 square feet, which would exceed the allowed number and size of accessory structures for properties between 5 and 10 acres (no more than 2 accessory structures not exceeding 2,000 square feet is allowed). All setbacks and lot coverage for the proposed building are met.

Buss explained that the extra space is needed for the storage of equipment used to support an orchard and restoration of the lakeshore, which are supported activities of the Comp Plan. Buss recommended approval of the variance with conditions as written into a resolution. A Watershed Permit may be needed for storm water management and erosion control.

Commission Chair Maefsky opened the public hearing at 8:14 p.m.

Charles Mann, 18180 Olinda Trail, Applicant: Mr. Mann stated that he has a reasonable request. The damaged barn will be removed within the week.

Chris Ness, 18440 Norell Avenue: Mr. Ness asked for verification of the style of building. Mr. Mann stated that it will be a steel arch building. Chair Maefsky confirmed that this type of building is allowed on properties greater than 4 acres.

There were no other comments and Chair Maefsky closed the hearing at 8:17 p.m.

Commissioner Schwarz stated that he has no problems with this request. Commissioner Hogle agreed that it is reasonable. Commissioner Philippi stated that it exceeds the square footage by a modest amount and views it as good for the property owner.

Schwarz, seconded by Hogle, moved to adopt PC Resolution No. 07-02-13-02, Approving a Variance for 18180 Olinda Trail. The motion carried 5-0.

The City Council will consider this recommendation at their July 16 meeting.

PROPOSED ORDINANCE NO. 142, WIRELESS COMMUNICATION ANTENNAS AND TOWERS

City Planner Buss introduced a draft ordinance which would amend language in the Development Code as it pertains to wireless communication antennas and towers. The Planning Commission had requested that applications for new towers and replacement equipment provide visual simulations that accurately show the proposed tower and equipment as viewed from adjacent homes and roadways. This language was added, and Buss explained that the ordinance was also revised to make it easier to distinguish CUP conditions from Administrative Permit conditions.

The Planning Commissioners recommended minor language changes, and were in consensus to schedule the ordinance for a public hearing at the August 6, 2013 meeting.

DISCUSSION TO UPDATE PERMITTED ACCESSORY STRUCTURE SIZE ORDINANCE

During the past year the City has approved several variances to exceed the total area of accessory structures allowed on properties in the City. The Planning Commission requested information on what neighboring communities allow for the number and square footage of structures, for a possible update to the City's ordinance.

Planner Buss provided lot size categories from Forest Lake, Stillwater Township, Hugo and May Township. Buss concluded that most of the communities allow 400-500 more total square footage for lots between 1 and 5 acres in size. Since lot coverage becomes an issue on smaller properties, no change to the current table for lots smaller than 3 acres was recommended.

Buss provided an option to increase allowed square footage on lots of 3 to less than 5 acres, from the current 2,000 square feet to 2,500 square feet; and increase the total area allowed on lots of 5 to 10 acres to 3,000 square feet, from the current 2,500 square feet.

It was recommended to allow one agricultural building on lots 5 to 10 acres in size, as livestock is allowed on properties of 5 acres and greater.

It was noted that a garage is an essential structure for Minnesota properties, in addition to a need for storage buildings. Buss recommended that language be added which would permit one attached or detached two-stall garage to be excluded from the calculations, provided the combined accessory structures meet lot coverage requirements.

The Planning Commissioners agreed that an amended ordinance be scheduled for a public hearing at the August 6, 2013 meeting.

DRAFT EVENT USE FACILITIES ORDINANCE

Chair Maefsky stated that discussion of the Events Use Facilities Ordinance would be tabled to the August 6 meeting or a special meeting could be scheduled in August dedicated to this discussion.

ADJOURNMENT

Hogle, seconded by Philippi, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 9:03 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk