

May 7, 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. Recently appointed Planning Commissioner Sue Bies was welcomed to her first meeting. The following were in attendance: Commissioners Sue Bies, Jan Hogle, Peter Schwarz and Commission Chair Christine Maefsky. Commissioner Steve Philippi arrived at 7:10 p.m. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

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

Hogle, seconded by Schwarz, moved to approve the April 2, 2013 minutes as presented. The motion carried 4-0.

PUBLIC HEARING: VARIANCE FROM THE PERMITTED SQUARE FOOTAGE TO ALLOW AN ADDITION TO AN EXISTING GARAGE LOCATED AT 14790 SCANDIA TRAIL NORTH. MATT AND JENNIFER OLSON, APPLICANTS (RESOLUTION NO. 05-07-13-01)

Matt and Jennifer Olson have applied for a Variance to expand an existing detached garage on their property at 14790 Scandia Trail North. The total square footage will increase from 576 to 1,152 square feet. The lot is 0.82 acres in size. A variance from the area permitted for accessory structures on lots less than one acre is needed.

Planner Sherri Buss presented an overview of the request. The Development Code allows no more than one accessory structure with a total square footage of 720 square feet on lots less than one acre. The Code also allows one additional shed no larger than 120 square feet, which the applicants have agreed to forgo if the variance is approved. The applicants propose that the 24' x 24' addition will allow them to park vehicles and store items inside the garage to protect them from the weather and keep the lot from being cluttered. Buss explained that the proposed expansion meets the setbacks and lot coverage, and is consistent with the goals of the Comprehensive Plan for uses permitted in the Village Mixed Use B District.

Buss recommended approval of the Variance with findings and conditions as written into a draft resolution.

Chair Maefsky opened the public hearing at 7:13 p.m.

Matt Olson, 14790 Scandia Trail, Applicant: Mr. Olson explained that the expansion will require no major excavating. The design will match the existing siding and roofing. He plans to landscape the area of the new addition. The additional space will allow him to store items such as lawn equipment, snowmobiles, a 4-wheeler and kids toys inside, to keep his property neat looking.

There were no other comments and Chair Maefsky closed the hearing at 7:14 p.m.

Commissioner Schwarz stated his disagreement with staff approval of the variance request. He stated that the owner has too many toys, and allowing excess storage space sets a precedent that may have no end. Commissioner Hogle said that past approvals have already set precedence.

Chair Maefsky stated that the lot has protected views and can handle the expanded garage, and the lot coverage is well below the maximum allowed. Commissioner Bies agreed that the expansion is only visible from the back of the lot itself.

Commissioner Hogle noted that the addition is not bothering the neighbors and it shouldn't be a concern for the Commission about how much stuff they have. It's a small home, and better to have an unobstructed addition than a cluttered yard.

Commissioner Philippi said that they have had this discussion in the past, and it may be that the formula for accessory structures has not kept up with current lifestyles (more vehicles, boats, etc.). Planner Buss agreed that the allowed square footage for smaller lots goes back to what was in place many years ago.

Hogle, seconded by Philippi, moved to approve PC Resolution No. 05-07-13-01, Approving Variance for 14790 Scandia Trail North. The motion carried 4-1, with Schwarz opposed.

The City Council will consider this recommendation at their May 21, 2013 meeting.

AMENDMENT TO THE DEVELOPMENT CODE PERTAINING TO SWIMMING POOLS TO ALLOW AUTOMATIC SAFETY COVERS IN PLACE OF A FENCE. JEFF AND BEA MELBY, APPLICANTS

Jeff and Bea Melby's request to amend the Development Code to allow swimming pools to use automatic safety covers in place of a fence was continued from the April 2nd meeting.

Planner Buss summarized additional information she gathered from surrounding communities. Woodbury may allow the Building Official to approve the use of a pool cover under certain circumstances. Hugo does not allow pool covers only; their ordinance requires fencing. Jack Kramer, Building Official for Stillwater Township, Grant, Stacy, Taylors Falls, Lent Township, reported that each of the communities he works with allows residents to use either a pool cover that meets ASTM standards or a fence for pool safety. Stillwater went through a thorough review of their ordinance and concluded that a vertical safety enclosure (fencing, walls) be required.

Keith Wille, Building Official for Forest Lake and Scandia, was present at the meeting and indicated that Forest Lake allows him to make the judgment whether to allow a pool cover in place of a fence. Wille stated that he is comfortable with automated covers that meet the ASTM standard. Of the 4 or 5 requests he has had over the past 40 years, he has only approved one pool cover in place of a fence.

Audience member Wayne Moe, 22877 Mallard Avenue, stated that he was against allowing pool covers in 2007 when this issue came before the City, and continues to view fencing as the safest barrier.

Chair Maefsky noted the letter received from Terry Pohlkamp, 22955 Mallard Avenue, who was also opposed to amending the ordinance.

Council member Schwarz stated that he can find no reason to change the ordinance. Hogle agreed and said she was uncomfortable removing the fencing requirement. Bies stated that a fence is a necessary tool. Maefsky said that she was in agreement to these statements.

Schwarz, seconded by Hogle, moved to recommend no change to the current ordinance that requires a structure or safety fence of a non-climbable type at least 4-feet in height, with a self-latching gate completely enclosing the pool. The motion carried 5-0.

CONTINUE WORK SESSION ON EVENT USE

At the April 2nd meeting, the Planning Commission requested that staff bring several options that the City could use to add an Events use to its ordinances.

Planner Buss explained an option to revise the existing Ordinance No. 119 for Special Events to include private events as well as the public events. The definition could be amended to include events held on a location operated for private commercial gain and offered to the public for rental.

A second option could modify Section 4.21 of the Development Code, Resorts/Conference Facilities, to include Special Events as a use that could be permitted at Resort and Conference facilities. Buss presented a draft of Section 4.21 which would require a CUP, along with added application requirements and performance standards. Buss noted that one standard states that the City may impose conditions related to landscaping, access, security, sanitary sewer and other items, if deemed necessary. In this way, the City can be more specific in what it allows in each situation.

A third option could be the creation of a new Section 4.7, Chapter 2, which would add Event Facilities as a new use in the Development Code. Buss asked the Commissioners to consider what performance standards need to be listed, and should the event use be an accessory to an existing agricultural use. What if it were the primary use?

Maefsky said that she sees it as a way to enhance the rural aspects of the community, and should only be allowed in the Ag Core and General Rural districts as an accessory use.

Hogle questioned at what point could a primary use be defined? The event facility could evolve from an accessory use to a primary use over time. Buss explained that it would then be out of compliance if it became the main use.

Schwarz stated that he envisions an event facility on properties of at least 20 acres, allowable only by an Interim Use Permit. Buss explained that standards such as this can be included in the new section. With an IUP, an end date of the operation can be set.

Buss noted that it appeared the Commissioners were leaning towards Option 3, adding Section 4.7, Event Facilities, to the Development Code. Changes to (3) Permit Requirements, of the draft would remove Village Mixed Use A and Rural Commercial Districts, and IUP would be substituted for CUP. Buss asked the Commissioners to consider application requirements and performance standards for discussion at the June 4th meeting.

ADJOURNMENT

Before adjourning, Planner Buss explained that she had gotten a complaint from a neighbor to the recently modified cell tower on Old Marine Trail. He thought the antenna additions to the tower are in excess of what was proposed. Buss asked the Commissioners to consider if the Tower Ordinance should be amended to require visual simulations for antenna replacement applications.

City Administrator Handt invited the Planning Commissioners to attend a joint meeting of the City Council and the Carnelian-Marine-St. Croix Watershed on May 14th at 6:30 p.m.

Schwarz, seconded by Hogle, moved to adjourn. The motion carried 5-0.

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk