

December 3, 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, Steve Philippi, Peter Schwarz and Commission Chair Christine Maefsky. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, and Deputy Clerk Brenda Eklund.

**APPROVAL OF AGENDA, MINUTES**

**Hogle, seconded by Schwarz, moved to approve the agenda as presented. The motion carried 5-0.**

**Schwarz, seconded by Hogle, moved to approve the November 5, 2013 minutes as presented. The motion carried 5-0.**

**PUBLIC HEARING: MINOR SUBDIVISION DIRECTLY NORTH OF 21203 LOFTON AVENUE. RICHARD LUND, APPLICANT (RESOLUTION NO. 12-3-13-01)**

Richard Lund has applied for a Minor Subdivision to subdivide a 3.647-acre parcel from an existing 28.3-acre parcel directly north of property he owns at 21203 Lofton Avenue (a 34.7-acre parcel). Mr. Lund currently has a driveway easement within the 3.6-acre parcel to his house which is under construction and is seeking to own the parcel out-right. This would reduce the size of the northerly parcel to 24.6 acres.

City Planner Sherri Buss summarized the request. The owner of the 28.3-acre parcel and the applicant are siblings. Mr. Lund had applied for a lot line adjustment to transfer the 3.6-acres to his property, but the County could not record the adjustment because the boundary between the two existing lots divides the Forest Lake and Chisago Lakes School Districts and also the Comfort Lake-Forest Lake Watershed and the Carnelian-Marine-St. Croix Watershed Districts. The resulting parcel cannot be within 2 taxing districts. The County requires that the 3.6-acre parcel be subdivided and maintained separately.

Buss explained that the proposed subdivision meets the intent and goals of the Comprehensive Plan and meets the dimensional requirements of the Development Code. The Ag-Core District allows lot sizes between 2 and 5 acres, or 20 acres or greater. No development or new structures are proposed on either parcel, although the created lot meets the definition of a buildable lot.

Buss recommended approval of the minor subdivision with conditions as written into a resolution. Buss explained the condition to collect park fees of \$3,000 be waived, and payment required at the time a building permit is issued since the new lot will not generate new park system use.

Chair Maefsky asked if, in addition to no permit needed from the Car-Mar Watershed, did the Comfort Lake-Forest Lake Watershed have any comments? Buss replied that a response was received after the staff report was prepared that no permit is required.

Chair Maefsky spoke of her concerns to maintain a 4 per 40-acre density, and suggested a condition be added that the lot is non-buildable. This density is encouraged by the Met Council and written into Scandia's Comp Plan. Buss questioned how to explain findings and the mechanism for this since the lot meets the ordinance requirements of a buildable lot. Much discussion among the members continued and it was noted that a more clear definition of 4 per 40 density is needed, such as what original 40-acres are examined when determining this density.

Chair Maefsky opened the public hearing at 7:21 p.m.

*Richard Lund, 11780 Scandia Trail, Applicant:* Mr. Lund stated that he is open to the options as discussed by the Planning Commission, although it's getting more complex than he had anticipated. Mr. Lund asked how lots created in the 1950's that do not meet current standards are handled – are they grandfathered in? Buss answered that yes, lots that are 8 or 10-acres in size are treated as legal lots.

Administrator Handt suggested that a development agreement could be entered into that requires the 3.6-acre lot to be tied with the larger existing parcel owned by Mr. Lund. This agreement would keep the lots together under one ownership.

Commissioner Philippi stated that they could rule on the merits of the application before them, and request that the Council pursue a more definitive definition of a 4 per 40 density.

There were no further comments and Chair Maefsky closed the hearing at 7:27 p.m.

**Philippi moved to recommend approval of Resolution No. 12-3-13-01, Approving the Minor Subdivision of Parcel 17.032.20.42.0001 as recommended by the Planner, with a request that the City Council proceed with an investigation of a more clear and precise interpretation of a 4 per 40 density limitation through consultation with the Met Council. Schwarz seconded the motion for discussion.**

Maefsky stated that she did not think the Met Council needs to be involved since it is Scandia's ordinance that interpreted what the 4 per 40 density means when dividing individual pieces of land. The Met Council is just concerned with the overall density of the city. Maefsky suggested that in addition to City Attorney Vivian, former City Attorney Hebert be consulted since he was closely involved with development of the Comprehensive Plan.

**Maefsky, seconded by Philippi, moved to amend the above motion to recommend that the City Attorney and Planning Commission work to clear up the language of the subdivision ordinance based on the intent of the Comprehensive Plan. The motion carried 5-0.**

**PUBLIC HEARING: REZONE A 6.56-ACRE PARCEL FROM RURAL COMMERCIAL TO GENERAL RURAL AT 20021 ST. CROIX TRAIL. DANIEL AND SUSAN SANDAGER, APPLICANTS (RESOLUTION NO. 12-3-13-2)**

Dan Sandager has requested that a parcel which was subdivided in 1989 from his commercial business at 20021 St. Croix Trail be rezoned from Rural Commercial to General Rural.

Planner Buss explained that New Scandia Township approved the subdivision from Abrahamson's Nursery property in 1989 so they could build a home on the 6.56 acres, but this was never recorded at the County. Since there was no deadline for recording at the time, the County will allow this lot to be recorded now. However the zoning of the property has changed since 1989, and the zoning of the parcel needs to be appropriate to the current use of the property.

Planner Buss recommended approval of the rezoning with conditions as written into a resolution. Buss explained that the residential parcel is adjacent to GR zoning to the north, west and east, and the request is consistent with the standards and intent of the development code. Buss explained that Condition #3 of the resolution, payment of park fees, could be eliminated since Mr. Sandager provided documentation that the park dedication fee was paid to New Scandia Township in 1989.

Chair Maefsky opened the public hearing at 7:37 p.m. There were no comments and the hearing was closed.

Commissioner Schwarz stated that this appears to be a housekeeping situation and has no concerns about the rezoning.

Commissioner Philippi stated he agreed that this request is reasonable but warned against allowing spot rezoning to become a common practice. Buss explained that this is not considered spot rezoning since it is consistent with the surrounding zoning district. The property would have been in the GR if the subdivision was known about at the time of the Comp Plan development.

**Schwarz, seconded by Hogle, moved to recommend approval of Resolution No. 12-3-13-2, Approving Rezoning of 20021 St. Croix Trail as recommended by the Planner. The motion carried 5-0.**

**PUBLIC HEARING: INTERIM USE PERMIT TO ALLOW A TEMPORARY DWELLING UNIT DURING CONSTRUCTION AT 18180 OLINDA TRAIL. CHUCK MANN, APPLICANT (RESOLUTION NO. 12-3-13-3)**

Chuck Mann has requested an Interim Use Permit in order to maintain his existing home in place while a new home is constructed on his property at 18180 Olinda Trail.

Planner Buss explained that the Development Code includes a use for one temporary dwelling unit to be occupied during construction of a new home. An Interim Use Permit must be obtained by the parcel owner. Buss summarized the criteria for granting this request and recommended approval with conditions as written into a resolution. Buss stated that there will be no impacts to neighboring properties, it complies with the standards in the development code and meets the criteria for a temporary dwelling unit.

Buss listed the conditions and stated that Administrator Handt determined the value of the financial guarantee to be \$28,000, to ensure that the old house will be removed upon termination

of the IUP. The IUP will expire once a certificate of occupancy is issued for the new home. The applicants must remove the existing home from the property within 30 days of this.

Chair Maefsky opened the public hearing at 7:45 p.m. There were no comments and the hearing was closed.

Maefsky asked how the amount of the financial guarantee was determined. Handt explained that it's 125% of the contractor's estimate to remove the structure.

Commissioner Philippi questioned if Mr. Mann is comfortable with the 6-month limit for expiration of the IUP as stated in the staff report. Mr. Mann addressed the Commission and explained that he is building a highly energy efficient home that may take at least 8 months from the time excavation begins, which could be February or March depending on the weather. He plans to recycle and reuse certain features of the home and the time limit is unreasonably short to allow for construction and removal of the old house. He requested at least 60 days to dismantle the house.

Handt and Buss explained that the language in the staff report is taken directly from the ordinance, but the resolution states that expiration occurs when a certificate of occupancy is issued. It was questioned if the ordinance language should be inserted or modify the condition. Maefsky recommended that the ordinance language should be examined to allow reasonable conditions to allow for construction. Philippi suggested a one-year expiration date of the IUP, which would include obtaining a certificate of occupancy and removal of the old home. The Planning Commission continued discussion and agreed that the conditions should allow the IUP to be in effect for one year and allow 60 days to remove the old house. The 60 days would start upon issuance of a certificate of occupancy.

It was recommended that a decision to approve the IUP should be delayed to allow a full window of time for construction. Buss stated that action could be tabled until February. If necessary to extend beyond the 120-day limit, agreement to extend the review period would be needed from Mr. Mann.

**Philippi, seconded by Hogle, moved to table a decision on Mr. Mann's request for an IUP until notification from the applicant that he is ready to proceed with construction of the new home. The motion carried 5-0.**

#### **ADJOURNMENT**

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

The meeting adjourned at 7:57 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk