

July 3, 2012

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:03 p.m. The following were in attendance: Commissioners Jan Hogle, Tom Krinke, Peter Schwarz and Commission Chair Christine Maefsky. Absent: Commissioner Steve Philippi. Staff present: City Administrator Anne Hurlburt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund.

**APPROVAL OF AGENDA, MINUTES**

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

**Krinke, seconded by Schwarz, moved to approve the June 5, 2012 minutes as presented. The motion carried 4-0.**

**PUBLIC HEARING: VARIANCE FROM THE REQUIREMENT FOR MINIMUM FRONTAGE ON AN IMPROVED PUBLIC STREET AND SKETCH PLAN FOR A MINOR SUBDIVISION TO CREATE TWO LOTS AT 20290 OLINDA TRAIL. DAWN AND GARY GILLESPIE, APPLICANTS.**

City Planner Sherri Buss presented the planner's report and summarized the applicant's request to create two lots by subdividing their existing 40-acre parcel. Each lot would be approximately 20 acres in size. The existing parcel and proposed lots do not have frontage on a public roadway. Access from Olinda Trail to the residence is through an existing easement. The applicants propose that a homeowners association will manage maintenance on a shared driveway and the common access for both lots. The proposed subdivision requires a variance from the lot frontage requirement in the zoning ordinance.

The applicants also requested a review of the proposed concept plan for the minor subdivision. Buss explained that the City may provide comments on the Sketch Plan without granting an approval of the plan.

Buss noted that the existing lot has two accessory structures, totaling approximately 5,300 square feet; the existing code allows a maximum of 4,500 square feet on a 20-acre parcel, which would be created by the proposed subdivision. City Administrator Hurlburt clarified that a variance for excess square footage of accessory buildings would not be needed. The existing buildings would be considered non-conforming and would follow the regulations in the development code which pertain to non-conforming structures.

Buss recommended approval of the variance and provided a number of findings based on the statutory criteria for granting a variance. These findings and conditions of approval were included in the Planner's Report. Buss asked the Commissioners to consider the issue of shared driveways. Buss explained that the City has allowed few shared driveways in the past, based on potential problems associated with these driveways in the long-term. The conditions included that required improvements be made to the driveway to allow for emergency vehicle access.

In terms of the Sketch Plan review, Buss advised that a number of items would need to be submitted in the form of a Preliminary Plat that meets the requirements of the Development Code before any formal approval is granted. Buss added that informal comments can be made at this time on the proposed subdivision.

Commission Chair Maefsky opened the public hearing at 7:20 p.m.

*Jon Ludwig, 13900 202<sup>nd</sup> Street:* Mr. Ludwig was concerned that allowing the excess accessory building size on a 20-acre lot may set precedence for future subdivisions. He noted an 18% overage beyond what the code allows. He suggested that the acreage be divided in a way that would meet the zoning requirements for accessory structures. Mr. Ludwig also questioned if the acreage could be further subdivided in the future, or is it a one-time solution.

*Connie Polsfuss, 20230 Olinda Trail:* Ms. Polsfuss expressed a concern for any future subdivision of the property. She stated that they moved out to the country from the cities and want it to remain open, with few neighbors.

*Gary Gillespie, Applicant, 20290 Olinda Trail:* Mr. Gillespie clarified that they intend to add an adjacent 10-acre parcel to the 40-acre lot, and would then have an approximately 30-acre parcel and a 20-acre lot upon subdividing. This could meet the standards for the accessory buildings, but measurements would need to verify this. Commissioner Hogle asked if the accessory building could be defined as an agricultural building. Mr. Gillespie answered that he considered it an ag building as they kept horses in it for many years. Administrator Hurlburt questioned if the acreage is classified as agricultural for tax purposes. Mr. Gillespie stated that the assessor has defined the property as “urban forest”. Hurlburt stated that more information is needed to fully determine if the accessory buildings meet the zoning code, but the real issue is allowing the property to be divided without having frontage on a public roadway.

Mr. Gillespie thought that any future subdivision is not a pertinent issue in this case. Buss explained that the current code allows a density of 4 lots per 40 acres in the General Rural district, but that any future subdivision would also require a variance for no road frontage.

*Connie Polsfuss, 20230 Olinda Trail:* Ms. Polsfuss asked if Mr. Gillespie’s current driveway would be used as the access for the new proposed lot. Mr. Gillespie stated yes, his driveway would be used as the access drive to the proposed subdivided lot.

There were no more comments, and Chair Maefsky closed the hearing at 7:34 p.m.

Commissioner Krinke stated his concerns about allowing shared driveways due to future owner disagreements which may come to the City for resolution. Krinke considered this a matter for the City Attorney to advise on. City Administrator Hurlburt explained that many cities have a policy of no shared driveways; future owners may have expectations for public services, such as snowplowing, and may look to the city to turn it into a public roadway. Krinke asked if this has potential to be a future risk to the City. Hurlburt stated that it is, and it’s important that conditions in the resolution require that minimum standards for emergency vehicle access be

met; and that it include owner obligations for maintenance. Hurlburt explained that this is how the City could protect itself from future liability.

Commission Chair Maefsky noted Commissioner Philippi's written comments addressing his procedural concerns about the potential subdivision. Buss explained that the applicants are looking for comments on the sketch plan, and would have to submit an application for a minor subdivision before any building permits are issued.

Commissioner Hogle commented that the City needs to carefully consider how to deal with landlocked parcels, as there are other properties with similar problems such as this.

Schwarz expressed his agreement with Krinke's concerns regarding the lack of road frontage and the shared driveway situation, and stated that he could not recommend approval.

**Krinke, seconded by Schwarz, moved to deny the variance application based on the information before them.**

The Commissioners discussed potential findings upon which to base a denial. They noted that it is not a good policy for the city to allow subdivisions without frontage on a public road, but also noted that it is a pre-existing landlocked property which has an access to a public street. Hogle noted that at this point, only one more residence is being added to the road. Hurlburt asked them to consider if the conditions of approval are enough to avoid the negative aspects of not having public road frontage.

**Chair Maefsky called for a vote on the above motion: Voting yes – Krinke, Schwarz; voting no – Hogle, Maefsky. The motion failed with a 2-2 vote.**

**Krinke, seconded by Hogle, moved to approve the variance with the conditions as recommended in the Planners' Report with the added conditions that 1) there will be no more than one additional residence sharing the driveway, and 2) Condition 4 have language added that a building permit could not be issued until the driveway meets the required standards.**

Planner Buss explained that this will communicate to future councils and purchasers the intent to limit access to one residence on the proposed 20-acre parcel.

**Chair Maefsky called for a vote on the above motion: Voting yes – Hogle, Krinke, Maefsky; voting no – Schwarz. The motion passed 3-1.**

City Administrator Hurlburt advised the Gillespies to attend the July 17 Council meeting for further action on their variance application.

### **COMPREHENSIVE PLAN AMENDMENT, CITY OF MARINE ON ST. CROIX**

The City of Marine has submitted a proposed "Addenda" to its Comprehensive Plan and have requested that any comments be sent to the city office by July 31<sup>st</sup>. City Administrator Hurlburt

explained that the Addenda focuses on the viability and function of their downtown Village Center.

The Planning Commissioners all agreed that the plan has no particular effect on Scandia, and that the plan looked quite good.

**Krinke, seconded by Hogle, moved to recommend that the City of Scandia support the Addenda to Marine on St. Croix's Comprehensive Plan. The motion carried 4-0.**

**ADJOURNMENT**

**Hogle, seconded by Krinke, moved to adjourn the meeting. The motion carried 4-0.**

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Brenda Eklund  
*Deputy Clerk*