

March 7, 2017

The Scandia Planning Commission held their regular monthly meeting on the above date.

The following were in attendance: Commissioners Walt Anderson, Jan Hogle, Travis Loeffler, Tom Noyes and Dan Squyres. Staff present: City Administrator Neil Soltis, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Mayor Christine Maefsky and Council member Chris Ness were also in attendance.

Chair Squyres called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

Loeffler, seconded by Noyes, moved to approve the agenda as presented. The motion carried 5-0.

Noyes, seconded by Loeffler, moved to approve the February 7, 2017 meeting minutes as presented. The motion carried 5-0.

PUBLIC HEARING: CONDITIONAL USE PERMIT AND VARIANCE FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT AT 21090 OLINDA TRAIL – SUE RODSJO, APPLICANT

Sue Rodsjo has applied for a Conditional Use Permit to convert an existing commercial space at 21090 Olinda Trail to a 2-bedroom apartment. The building has an existing apartment unit on the lower level. A Variance from the City's parking requirements is also needed for the new multifamily residential use, as the application stated that there is no space available for parking on the parcel. The property is located in the Village Mixed Use Zoning District, which allows for a mix of commercial, retail and residential activity.

Planner Buss presented her staff report which determined that the proposal generally meets the goals of the Comprehensive Plan, but issues with parking arrangements and septic compliance do not support approval. Several options were discussed to meet the septic requirements such as hooking up to the City's Uptown System, or provide evidence that the existing private septic system meets the needs of the multifamily use, or make improvements to the system that meet Washington County septic requirements.

Buss explained that the development code for multifamily residences requires 2 parking spaces for each dwelling unit, ½ which must be enclosed, that are on the same lot and within 200 feet of the main entrance. The applicant proposed on-street parking along County Road 3 (Olinda Trail), but County staff does not support long-term parking along their roadway for the future tenants of the building, as the road needs to be clear of vehicles during winter storm events and snow removal. Buss recommended parking on the rear of the parcel using the 10' wide access driveway on the south of the building, or leasing spaces nearby with at least half of the spaces enclosed. A recorded deed or lease agreement would need to be provided to the City before issuing a building permit.

Buss summarized the options to either deny the application since it does not meet the criteria for practical difficulties, or table the application to allow Rodsjo time to address the parking requirements and determine if the septic system has the capacity for this use.

Chair Squyres opened the public hearing at 7:18 p.m.

Sue Rodsjo, 21415 Pomroy Avenue, applicant, stated that County records indicate the septic's holding tank capacity to be 1,500 gallons and that the septic system was pumped 3 times in the past 5 years. She is willing to arrange for a septic compliance inspector to certify that the existing septic system can meet County requirements for the rental units. Rodsjo said that the building is hooked up to the Hilltop Water Company community water system, and is confident there would be no issues with adding another apartment to the system. Rodsjo stated that the Building Official would not require a fire sprinkler system to meet fire suppression requirements for a multifamily dwelling since the building has concrete floors and ceilings.

Rodsjo said that affordable housing is in huge demand in Scandia and she has had no interested renters of the commercial space in the 2 years it has been advertised. She is looking to convert the building to usable space.

Doran O'Brien, adjacent business owner at 21084 Olinda Trail, said that parking is a very concerning issue in the Uptown, and there are problems now with the lower apartment unit, as well as safety concerns with a prior tenant. O'Brien stated that if the 10' access drive were used to park behind the building, he is worried about the potential for damage to his building as the driveway is quite narrow. He also said that at the time his building was added to the Uptown Sewer, his water usage was limited because of capacity concerns.

Lisa Pothen, 21136 Olinda Trail, said that parking is a struggle in the downtown and there needs to be consideration in finding a solution that works for everyone and not just the applicant. She said that there are drainage problems in the spring that may prohibit parking in the rear of the lot. Planner Buss noted that a stormwater management plan would need to be reviewed by the City Engineer before the installation of a parking lot. Pothen described the negative impacts a previous tenant caused in the neighborhood. Chair Squyres stated that the City cannot regulate tenants.

Milo Horak, business owner at 21070 Olinda, said that he would like to see the City come up with a creative way to solve the parking issue so that the building can be used.

Hannah Weber, 21087 Olinda Trail, said that parking, sewer, water, and stormwater management are all issues that need to be addressed. She said that cars parking on the street regularly impact mail delivery and snow removal, and that the comment in the staff report that lack of parking hurts the businesses should include "and residents" as well. Weber questioned the effects the large street front windows on the building may have on lighting impacts. Planner Buss explained that exterior lighting is regulated, but not lighting from within a building. Weber

stated that there were safety concerns with a prior tenant, and that there are courses for landlords to become certified to rent property which should be considered.

Holly Kaufhold, business owner at 14760 Oakhill Road, said that Rodsjo should be held accountable for her rental property and be available for conflict resolution when there are renters causing problems in the neighborhood. Chair Squyres said the City cannot regulate tenants, and Kaufhold replied that this making the neighbors handle conflicts puts them in an unfair position. Commissioners Loeffler and Anderson said that the City Council is an avenue for resolution – an aggrieved neighbor can write letters documenting negative occurrences.

Sue Rodsjo, asked to speak on the tenant issue. She said there are laws preventing immediate eviction. She worked with the parents of the renter to remove him from the lease, and that it was not an easy task.

Tom Tauzell, 21087 Olinda Trail, asked if Rodsjo's variance for parking on the street will change all parking on that section of Olinda Trail. Buss said no, this applies only to her situation to accommodate 2 parking spaces per unit and that she needs an exception to the code. Tauzell said he was fine with the proposed apartment if on-street parking for the tenants is not allowed.

Brenda Pfeiffer, 21127 Olinda Trail, asked if approval of the parking variance will set precedence or the tone for any future requests like this. Planner Buss explained that approvals are only based on each circumstance and it could lead the city to potentially reconsider their policies, such as parking.

Hannah Weber asked for clarification about the number of parking spaces required. Planner Buss said that the existing apartment is using on-street parking, and the development of the second apartment needs to meet the code for multi-family residential units for an additional 2 parking spaces, with at least ½ enclosed. Administrator Soltis noted that this proposal is changing the building from a mixed-use to a multi-family development and therefore needs to provide a total of 4 parking spaces meeting the requirements of the ordinance.

Lisa Pothén asked if she is granted 2 parking spaces uptown to serve her single family residence. Chair Squyres replied that this has no effect on her; it is only Rodsjo's application that needs to determine designated parking. There is existing public parking on the street that is open to anyone.

There were no further comments and Chair Squyres closed the public hearing at 7:58 p.m.

Squyres, seconded by Loeffler, moved to amend the agenda to move the discussion of Rodsjo's CUP and Variance to follow the public hearing. The motion carried 5-0.

The Planning Commission entered into the discussion on Rodsjo's Conditional Use Permit and Variance for a multifamily residential development at 21090 Olinda Trail.

Commissioner Noyes stated that the 2 issues, septic and parking, are before them. He said the septic system is either compliant or not, and a decision on this is out of their hands. Planner Buss said that if they hook into the City's septic system, this frees up space on the lot for parking and a variance will not be needed, but the City cannot force the applicant to take this route.

The Commissioners discussed parking and were in consensus that a variance to allow on-street parking would not be approved, and the applicant must lease nearby spaces or provide parking on the lot. Commissioner Squyres questioned the reasoning for covered parking. Buss wasn't sure, but said that there needs to be rationale if the Commissioners decide to not enforce it, but it could not be economic in nature. Amending the code is a possibility. Administrator Soltis noted that this standard was likely intended for new construction of multi-family housing. Soltis also said that this is not as simple as finding alternative parking uptown, since leasing parking spaces will impact the parking requirements for current and future uses in those buildings.

Commissioner Anderson stated that the building has large store front windows not appropriate for residential housing, and that this appearance changes the complexion of Scandia which bothers him. Planner Buss stated that there are no performance standards for the appearance of multi-family developments and they cannot say that the design of the building is inappropriate.

Commissioner Noyes stated that parking and septic are issues the applicant needs to solve and return with proposals.

Noyes, seconded by Loeffler, moved to table the application for a CUP and Variance for 21090 Olinda Trail to allow the applicant time to address the septic capacity and parking issues.

Planner Buss suggested that the Commission could amend ordinance language at their next meeting to remove the covered parking requirement for rehabilitated apartment units. Commissioner Anderson said that they should not bend over backwards to accommodate Rodsjo, but stick with the ordinance language that 4 parking sites be on the property with at least 2 of them covered, as this is not an unreasonable condition.

Commissioner Hogle questioned the definition of a long-term parking arrangement. Buss explained that a recorded deed for leasing parking spaces from a nearby property owner would be needed before a building permit could be issued, and would run with the length of the CUP. Chair Squyres stated that if the leased space is too far away and not monitored, the tenants may park on the street for convenience.

Commissioner Hogle stated that they should remain flexible for the possibility of affordable housing to be developed and encourage this use, and it may be appropriate to review and rethink the ordinance. Planner Buss explained that the applicant only needs a variance if parking is not feasible due to physical conditions on-site which prevent doing what the ordinance requires.

Chair Squyres called for a vote on the above motion. The motion to table the application carried 5-0.

PUBLIC HEARING: VARIANCE FOR SINGLE-FAMILY DWELLING AT 23271 LOFTON COURT – JOE ACKERMAN, APPLICANT (PC RESOLUTION NO. 03-07-17-02)

Joe Ackerman is proposing to build a new home at 23271 Lofton Court, a 0.43 acre parcel located within the Shoreland Overlay District of Bone Lake. Variances are needed from the building setback of the Ordinary High Water Level and bluff line. The required building setbacks are 100' from the OHWL and 30' from the bluff line. The City approved a variance to construct a home on this parcel in 2009, but the home was not constructed and the variance expired.

Planner Buss explained that a 78' setback from the OHWL and 18' from the bluff was approved in 2009, but the applicant has proposed the house be moved closer to the lake to accommodate a septic system and backup system between the home and the roadway. The survey showed the proposed home to be located 60' from the OHWL and 2' into the bluff line, with a larger deck than was previously proposed for the house in 2009. The application was sent to Washington County for their review, and staff responded that the septic may be located in the same area as shown with the 2009 application, which would permit the house to be located 78' from the OHWL.

The property has an existing garage and two storage sheds near the lake, and the applicant indicated that the garage would be removed. Buss said that removing the garage or shed will be a condition of approval to meet the code requirements that allow one accessory structure up to 720 square feet.

Buss provided findings that would approve of the 78' OHWL setback, but not the 60' proposed by the applicant. The 60' setback is not in harmony with the Comp Plan goals for protection of water and bluffs, nor is it consistent with locations of homes on surrounding properties which are approximately 70' from the lake.

Buss provided a resolution granting approval of variances to locate a new single-family home and related structures a minimum of 78' from the OHWL and 18' from the bluff line, and to permit grading and land alteration as permitted within the Bluff Impact Zone (which is within 20' from the bluff line).

Chair Squyres opened the public hearing at 8:38 p.m.

Joe Ackerman, 7790 229th Street, Forest Lake, Applicant, believed he had to move the home closer to the lake to accommodate room for the septic system and backup, and his surveyor made these changes based on the County's input. Planner Buss said that she will forward the letter to Mr. Ackerman in which the County stated approval of locating the septic in the same area as that approved in 2009. Buss noted that the deck may need to be redesigned to the side of the house

as it was shown in 2009 to minimize distance of the structure from the bluff line. Buss said that decks are defined as not essential components of a dwelling.

Tom Carlisle, contractor and septic installer said the home could be moved 10' away from the lake, but the deck within the setback on the lakeside could be an issue. He said that there would be no grading to accommodate the walkout with deck above and questioned if a variance could be allowed for the deck. Buss stated that it would be difficult to meet the criteria to approve a variance for the deck.

Joe Ackerman asked if the garage could be allowed to remain until a building permit is issued in case something is rejected and then he has no garage. Administrator Soltis said that an escrow deposit could be collected to provide for the removal of the garage in this situation, as has been the case with similar circumstances.

Mr. Ackerman described how Lofton Court slopes toward the lake resulting in natural run-off along his property line causing washouts, and asked for help in correcting this. Planner Buss said the City Engineer will provide a review of the grading plan and can address erosion control at that time.

There were no further comments and Chair Squyres closed the public hearing at 8:53 p.m.

The Commissioners discussed the County's recommendation that moving the dwelling 78' from the OHWL can still accommodate a compliant septic system. Buss suggested the Commission could table the application if they wanted to confirm the County's standing, or approve the variance and have the applicant work with his surveyor to present a revised survey to the City Council. Buss said minor variations from the Commission's recommendation could be worked with.

Loeffler, seconded by Noyes, moved to approve PC Resolution No. 03-07-17-02, Approving a Variance for 23271 Lofton Court with setbacks of 78 feet from the OWHL and 18 feet from the bluff line.

Commissioner Anderson said he would like to add a condition that a solid driveway be constructed while the house is being built to minimize the erosion towards the lake. Buss explained that the Engineer and the Watershed will have standards for erosion control and runoff and provide direction for stabilization of the driveway. Ackerman said he planned to allow the driveway to settle and compact for at least a year before blacktopping it. There was no support for Commissioner Anderson's statement and Chair Squyres called the question.

Chair Squyres called for a vote on the above motion. The motion carried 5-0.

The applicant was directed to revise the survey to meet the conditions of the approval which will be presented to the City Council at their March 21, 2017 meeting.

ADJOURNMENT

Loeffler, seconded by Noyes, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 9:06 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk