

November 5, 2013

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 8:00 p.m. The following were in attendance: Commissioners Sue Bies, Jan Hogle, Peter Schwarz and Commission Chair Christine Maefsky. Commissioner Steve Philippi arrived at 8:12 p.m. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, and Deputy Clerk Brenda Eklund. Council members Chris Ness and Sally Swanson were also in attendance.

APPROVAL OF AGENDA, MINUTES

Schwarz, seconded by Hogle, moved to approve the agenda as presented. The motion was unanimously approved by those present.

Hogle, seconded by Bies, moved to approve the October 1, 2013 minutes as presented. The motion was unanimously approved by those present.

PUBLIC HEARING: VARIANCE TO ALLOW A DETACHED ACCESSORY STRUCTURE CLOSER TO THE ROAD THAN THE PRINCIPAL STRUCTURE AT 21535 POMROY AVENUE. DAVID AND CAROL SCHWINGHAMMER, APPLICANTS

David and Carol Schwinghammer have requested a variance to construct a new pole barn on their property at 21535 Pomroy Avenue. A variance is needed to locate the accessory structure closer to the Pomroy Avenue right-of-way than the existing home in order to meet the required 75-foot setback from a wetland on the property. The proposed 30 by 70-foot pole barn would be located approximately 88 feet from the ROW; the house is located 95.8 feet from the ROW. The property is 6.5 acres in size. A photo submitted with the application shows the building to be constructed of red sheet metal with white trim.

The Planning Commission held a site visit at the property on Sunday, November 3rd.

City Planner Sherri Buss presented the staff report that recommended approval of the variance with findings and conditions as written into a resolution. Buss explained that the request meets the statutory criteria for granting a variance. Practical difficulties are caused by the location of multiple wetlands on the property and the location of the existing home, well and septic. Buss noted that protection of wetlands is a goal of the Comprehensive Plan. The proposed building meets all other setback and zoning requirements, including the height of 21 feet (maximum height allowed is 35 feet). Buss stated that the owners estimate removal of about 30 small poplar trees in the construction area, but existing vegetation between the building and road will remain.

Chair Maefsky opened the public hearing at 8:11 p.m.

Rita Erickson, 21590 Pomroy Avenue: Ms. Erickson stated that her house is at the same elevation directly across the site of the proposed structure. She requested that two conditions be added to the resolution: 1) conifer trees are planted to fully screen the building from the roadway; 2) the red color not be allowed but rather a color harmonious with the surrounding woods. She read from Section 3.14(3) of the Development Code which requires that accessory buildings resemble the principal structure on parcels less than 4 acres and wants that to apply to

this request. Erickson stated that the building will be a visual intrusion to her view and noted that the walls will be 14 feet high by 70 feet long. She stated her disagreement to language in the staff report that the variance will not alter the essential character of the neighborhood, that existing vegetation will screen the building from view, and that property values will not be impaired by the location of the building. Erickson said that other properties along Pomroy have smaller buildings that are set back further from the roadway.

Ms. Erickson read a statement from Doreen Kapfer, 21881 Pomroy Avenue, who supported the added conditions on screening and color to protect the view of woodlands and the secluded environment.

Pat Brannan, 21455 Pomroy Avenue: Ms. Brannan stated that she has been a resident on Pomroy for 35 years and appreciates the winding curves and maple and oak lined street. She has concerns that the structure will be visible and not complimentary to the principal site. Brannan stated that the building should be natural wood tones and large to medium evergreens should be planted to screen the barn. Brannan questioned the lighting plan, the purpose of the building, and if other outdoor buildings would be added in the future.

Chair Maefsky stated that Section 3.14(3) in Chapter 2 of the Development Code would not apply as this property is larger than 4 acres.

Jean Gray, 21922 Pomroy Avenue: Ms. Gray stated that Pomroy is not an agricultural street and objects to the color red for the building. She stated that it would not fit architecturally along the street.

Rita Erickson read a statement from Sue Rodsjo, 21450 Pomroy Avenue, who was in agreement that the barn should be screened to reduce its visibility and maintain the scenic beauty of Pomroy. Rodsjo's letter listed five considerations: construct the building as far back from the roadway as possible, leave as many trees intact as possible, plant evergreens to screen the barn from view, select a color that blends with the home and woods, and choose building materials such as concrete lap siding or wood, not metal.

Carol and Dave Schwinghammer, 21535 Pomroy, Applicants: Carol Schwinghammer explained that they consider red to be a traditional and beautiful color for their building, and that it would blend into the trees during the fall. She questioned if mandating colors sets a precedence for requests such as this. They plan to add lighting along the path to the barn as needed. She stated that they have planted many trees on their property since living there.

Dave Schwinghammer stated that the building will be used for personal storage and are they building it large enough to store a future recreational vehicle. He stated that he heard positive comments from a number of neighbors who stopped by and looked at the location for the proposed building.

Commissioner Bies asked about the location of the proposed boulder retaining wall needed to level the 5 to 6 foot grade across the building site. It was noted that the wall will be up against the east edge of the building and within the wetland setback.

There were no further comments and Chair Maefsky closed the public hearing at 8:34 p.m.

Hogle stated that the request has a number of subjective viewpoints, such as color. Hogle said that she thinks of red as a traditional rural color.

Maefsky stated that there appears to be substantial vegetation to screen the building during the summer months based on the number of deciduous trees. Due to the nature of the winding road, the building site did not visually appear to be closer to the road than the house. She noted that the requirement for the building to resemble the house would not apply to this property as it is larger than 4 acres.

Philippi stated that the topography of the site has the building sitting up on a ridge. He proposed that the height could be reduced by setting the building into the ground several feet on one end.

Schwarz stated that this is not an unreasonable request for the property owners to increase storage space, but this is not an agricultural building where the color red is traditionally used. Schwarz stated that the color should be required to match the residence.

After questioning the Applicants, Maefsky noted that there are no covenants within the development to restrict the color of outbuildings. She said that screening could be added as a condition to lessen the visual impact.

Hogle asked if the color of the building blended into the trees, would screening be necessary? She stated that rather than make this a condition, could the applicants be asked to consider this.

Philippi stated that more should be done to lower the height of the building to reduce its visual impact. He explained that trees would be lost due to the additional grading around the building as it is now planned, but impacts on existing vegetation could be reduced if the building could be constructed into the existing grade. Philippi said that it would not be unreasonable to request a grading plan due to the nature of the neighbors' concerns.

Planner Buss explained that issuing a building permit does not require a separate grading plan. She reasoned that it may not make that much difference in the height and questioned how one could base a determination on it. Philippi answered that a visual simulation could be requested.

Hogle, seconded by Schwarz, moved to recommend approval of Resolution No. 11-05-13-01, Approving a Variance for 21535 Pomroy Avenue, with the added conditions: 1) conifers no smaller than 6 feet be planted on the north and west sides of the building to provide year-round screening; 2) the color of the barn must resemble the principal structure.

Philippi stated that he would like to add a grading plan requirement to the conditions due to the topography of the site. He said that he could not support the variance as it is because there could be a better solution.

Maefsky stated that she is not in favor of making the color a requirement but would rather request that they consider a color that would blend with the surroundings.

Philippi, seconded by Schwarz, moved to delay action on the variance application and request a grading study to evaluate the impact of reducing the height of the building and tree removal around the building site. The motion carried 3-1, with Maefsky opposed. Bies abstained from the vote.

After further discussion on the effect a delay, Hogle stated that she was regretting her vote to delay action as she did not understand the delay would be for a full month until their next meeting. Administrator Handt explained that a Commission member on the prevailing side could move to reconsider the motion.

Buss stated that direction has not been given to applicants to ask for this type of information right away, and asked if a difference of an estimated three feet in height is worth delaying it. It would be more fair to establish criteria for future applicants about grading plans and what is expected.

Hogle, seconded by Schwarz, moved to reconsider the vote on a delay for a grading plan requirement. The motion carried 5-0.

Philippi's motion to require a grading analysis in order to show whether the height of the building or loss of trees could be reduced was back before the members. The motion failed 1-4, with Philippi voting yes, and Beis, Hogle, Schwarz and Maefsky opposed.

The Hogle/Schwarz motion to recommend approval with two added conditions (conifers no smaller than 6 feet on the north and west sides of the building, and color to resemble the residence) was then voted on. The motion carried 3-2, with Philippi and Maefsky opposed.

Maefsky explained that she was against the color requirement.

This recommendation will go before the Council at their November 19, 2013 meeting.

PUBLIC HEARING: ORDINANCE NO. 146, RURAL EVENT FACILITY

Planner Buss stated that changes based on discussion at their October meeting were incorporated into the ordinance for this public hearing.

Chair Maefsky opened the public hearing at 9:16 p.m.

Sally Swanson, 14937 197th Street: Council member Swanson, president of the Economic Development Authority, stated that the EDA had reviewed the ordinance as part of its function to support the growth of Scandia businesses. The EDA found the Interim Use Permit expiring after one year to be worrisome, as the property owner would find it risky to make investments into its facility with the chance of its permit being taken away after one year.

Maefsky noted that 5(M), that the initial IUP for the facility would be issued for one year with the possibility of renewal based on acceptable compliance with conditions, was included since this use is such a drastic change to allow a commercial business to operate in a residential area, and it's unknown at this time how it will work. It could be integrated into the future Comp Plan if things go well.

Planner Buss recommended that an annual operating permit could be issued which has the business reviewed each year and conditions added as needed, similar to the mining operations as allowed by a Conditional Use Permit. Upon review, the permit could be suspended for one year for the business to make necessary improvements if needed. The business's IUP wouldn't expire until a change in ownership of the property or as designated in the initial permit. The Commissioners were in consensus that this is reasonable. Buss noted that language in 5(M) would be modified to reflect the issuance of an annual operating permit for review by the City Council.

Swanson noted a second concern regarding sound amplification and events ending at 10 pm. Could a dance continue indoors after 10, and is a dance part of the ceremony? If the noise is not exceeding the ordinance limit at the property line, can it continue? Buss explained that research on similar ordinances has events ending at 10 pm, with guests offsite by 10:30 pm. Traffic leaving all at one time is a concern, so it was decided to add language to 5(H) that guests must be off-site by 10:30 pm.

Bies stated the bottom line should be to protect the residents in the community from the impacts of a business operating in a residential area.

Swanson said that 5(F), sound amplification, is not clear. Hogle stated that having bands is discouraged and that is why the 5(F), sound amplification of the ceremony only, is written that way. Maefsky said that the term "ceremony" should be better defined. Handt answered that this may not be an objective term and a judgment call could be made for the event.

Maefsky stated that paragraph (3) should have "setback requirements" eliminated as the setbacks for the event site are defined in 5(G). Buss noted this correction.

Philippi asked if the facilities could have liquor licenses. Handt explained that one would be needed for the sale of alcohol, but alcohol could be served at an open bar without a license. State laws regulate the sale of alcohol. If the facility pursued this, the City would need to amend its ordinance to allow for additional licenses to be issued.

There were no further comments and the hearing was closed at 9:48 pm.

Buss summarized the changes of adding language to 5(M) for an AOP issuance; guests must leave by 10:30 pm in 5(H); and eliminating setback requirements in paragraph 3.

Hogle, seconded by Schwarz, moved to recommend adoption of Ordinance No. 146, Rural Event Facility, with the amendments to paragraphs 3, 5(H) and 5(M). The motion carried 4-1, with Philippi opposed.

The City Council will act on this recommendation at their November 19, 2013 meeting.

PUBLIC HEARING: 2014-2018 CAPITAL IMPROVEMENT PLAN

Administrator Handt summarized the 2014-2018 Capital Improvement Plan, which is updated each year to be consistent with city budgets. The CIP is included in the Comprehensive Plan as Appendix F. Projects that have a lifespan of five years and cost at least \$10,000 were included in this long-range planning. Handt highlighted each department's priorities over the next five years.

Chair Maefsky opened the public hearing at 10:07 pm. There were no comments and the hearing was closed.

Philippi questioned the rationale for a second fire station, Project F-016 included in 2017 at a cost of \$125,000. Handt explained that it would benefit the recruitment of volunteer firefighters who need to meet the eight minute response time to a station, serve the western area of the city, and help homeowners' insurance rates by being within a closer proximity to a fire station.

Maefsky questioned their role in the process of developing the CIP each year. Handt explained that the CIP Committee was disbanded in 2011, of which representatives of the Planning Commission served on. Currently the Council updates the CIP based on recommendations from each department head during their budget meetings. Since the CIP is part of the Comprehensive Plan, Handt recommended that the schedule for updating the CIP could be improved upon going forward. Beginning in April 2014, the department heads will present their five-year plans to the Planning Commissioners for their review. The Commissioners were in consensus to implement this schedule.

Handt explained that during budget talks in August, the purchase of a Fire Chief's car (F-004) was moved from pending to active, scheduled for 2018. In September, Chief Hinz had his personal vehicle designated as an emergency response vehicle so that he can respond to calls directly instead of departing from the fire station. Handt said that it is likely that the Council will remove this project from the CIP. Bies countered that it should be left in since it's important for the community to invest in this need. With a possible change in a fire chief, may be necessary down the road.

Schwarz, seconded by Hogle, moved to remove Project F-004, Fire Chief's car, from the 2014-2018 Capital Improvement Program. The motion carried 4-1, with Bies opposed.

Maefsky stated that she does not feel qualified to comment on the plan without more background information on the projects and long-term planning needs. Handt stated that they can pass on the CIP to the Council without a recommendation.

Maefsky, seconded by Schwarz, moved to pass on the 2014-2018 CIP to the City Council without a recommendation. The motion carried 5-0.

REQUESTING PAPER COPIES OF SOME MEETING MATERIALS (RESOLUTION NO. 11-05-13-02)

With input from Chair Maefsky, Administrator Handt prepared a resolution requesting the Council approve the printing of a list of selected materials for each Planning Commission member to aid in preparation for their meetings.

Hogle, seconded by Schwarz, recommended approval of Resolution No. 11-05-13-02, Requesting Copies of Some Meeting Materials. The motion carried 5-0.

ADJOURNMENT

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

The meeting adjourned at 10:32 pm.

Respectfully submitted,

Brenda Eklund
Deputy Clerk