

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 PM
2. **PLEDGE OF ALLEGIANCE** – was recited.
3. **ROLL CALL** – Present: Chair Kris Kopitzke, Scott Patten, Doug Parker, Christian Dawson, Justin Sykora, Kuchen Hale, Sally Doherty, Roger Bowman. Absent was James Langan (excused).
ALSO IN ATTENDANCE – Council member Wroblewski, City Administrator Ron Moore
4. **APPROVAL OF AGENDA** –
Add item: 2020 meeting schedule
Motion/Second Patten/Parker To approve the Agenda of the January 6, 2020 Planning Commission meeting with addition of 2020 meeting schedule. Passed 8-0.
5. **APPROVAL OF MINUTES** –
A. December 2, 2019
Motion/Second Hale/Parker To approve minutes of December 2, 2019 Planning Commission meeting. Passed 6-0-2 (Dawson, Doherty abstain).
6. **REPORTS AND PRESENTATIONS** - None
7. **PUBLIC HEARINGS** –
A. **Sue Biagini Variance Application**
Chair Kopitzke opened the Public Hearing at 7:05 PM.
The Biagini’s (applicants) explained there is a new sewer pipe alongside of the house next to area where they want to place garage. Therefore they are requesting variance to move garage over an extra two feet.
No other comments were received
Motion/Second Hale/Patten to close public hearing. Passed 8-0.
Public Hearing closed at 7:07 PM
Hale asked if two extra feet is enough space? (Applicant said yes)
Parker asked what utilities will be in the building? (only electric and gas for heater).
Drainage on the site and the location of the entry to house were discussed.
Kopitzke asked about the location of sewer pipes – who determined where they would go? (City Engineer worked with home owners based on current location of pipes and access to sewer line in street)
Patten stated if the variance is not granted the other building on site has to be removed.
Hale stated the variance request is caused by sewer pipe location, the city created hardship.
Doherty asked if the garage could be moved over to other side?
Hale stated that would create more impervious surface.
Doherty stated if the sewer line wasn’t there, they could do this. Question is how to write the findings for the variance. Is there a minimum setback for sewer clean out?
Motion/Second Bowman/Hale To recommend approval of the variance with findings and conditions recommended by staff:
Findings
 1. The subject property is located in the VHS-C zone, as are the surrounding properties.
 2. The lot size is 22,677 sq. ft., which is greater than the required lot size of 22,500 sq. ft.
 3. The property has an existing detached garage with legally nonconforming side and rear yard setbacks.
 4. The property has a legally nonconforming driveway through the Afton Marketplace property.
 5. The proposed garage would be accessed by the existing driveway
 6. The property has an existing sanitary sewer line running along the rear of the house, six feet north of the house. The line runs beyond the east end of the house and patio, then turns south toward the street.

- 57 7. **The proposed garage is proposed to be located eight feet from the rear of the house to**
58 **retain access to the sewer line for maintenance/repair purposes.**
59 8. **Sec. 12-187 E of the City Code provides that “A building shall be considered an**
60 **integral part of the principal building if it is located six feet or less from the principal**
61 **building.”**
62 9. **The lot would be in compliance with the impervious surface requirements with the**
63 **construction of the proposed garage.**

64 **Conditions**

- 65 1. **The garage shall be located and constructed according to the plans submitted with the**
66 **variance application, subject to revisions as required or approved by the City.**

67 Discussion

68 Hale recommended revision to Finding # 6: **The property has an existing sanitary sewer private**
69 **connection line running along the rear of the house, six feet north of the house. As required by the**
70 **City, the line location runs from the rear of the house beyond the east end of the house and patio,**
71 **then turns south toward the street.**

72 The Commission added an Additional Finding as #7: **The plight of the landowner is due to**
73 **circumstances unique to the property not created by the landowner, but caused by the**
74 **requirement to connect to the new sanitary sewer line located in Afton Boulevard.**

75 Findings will be renumbered.

76 **Motion Vote: Passed 7-1 (Parker nay)**

77
78 **B. PLCD Ordinance Amendment**

79 Chair Kopitzke opened the Public Hearing opened at 7:26 PM.

80 No comments were received

81 **Motion/Second Sykora/Parker to close public hearing. Passed 8-0.**

82 Hearing closed at 7:29 PM.

83 Parker asked about enforcement and the ability to charge fines. (item #A5)

84 Moorse replied that on the preserved land the City and MN Land Trust would monitor and enforce.

85 **Motion/Second Sykora/Doherty to recommend approval of the PLCD Ordinance Amendment by the**
86 **City Council.**

87 Kopitzke stated that after going through the process he sees better ways to do this rather than a PLCD.
88 Dislikes HOAs. Feels there are so many restrictions an individual land owner can't do on their own. If
89 shared driveways and roads were allowed a landowner could develop on their own.

90 Patten stated the Carlson property could have been up to 10 houses on bigger lots.

91 Sykora stated he likes the preservation of land in perpetuity.

92 Discussion was held on the value of PLCDs.

93 **Motion Vote: Passed 7-1 (Kopitzke nay)**

94
95 **8. NEW BUSINESS –**

96 A. Request the Council for direction

97 Bowman stated that non-compliance to conditions and unintended consequences brought this idea. Would
98 like direction from the city council to develop a fee schedule for non-compliance.

99 Kopitzke stated this would be for CUPs, Variances

100 Hale stated that we would need legal input on this.

101 Doherty stated she is uneasy about the Planning Commission defining these.

102 Bowman stated these are all in areas under our purview.

103 Parker agreed the city needs way to be clearer on this. How do other cities enforce?

104 Moorse replied that zoning codes have enforcement mechanisms such as administrative fines. Afton doesn't
105 have good process for violations.

106 Bowman stated it could be a condition of permits issued.

107 Parker would like to strengthen the city's abilities.

108 **Motion/Second Sykora/Hale to request the Council to direct the Planning Commission to propose a**
109 **schedule of non-compliance fees and other enforcement tools for zoning violations, etc. Passed 7-1**
110 **(Doherty nay).**

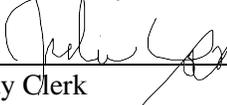
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112 B. 2020 Meeting Schedule
113 Since Labor Day falls on Sept. 7th, the September Planning Commission meeting will be held on August 31.
114 The Commission will discuss July 6 meeting availability in May to check for a quorum.

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116 **9. OLD BUSINESS –**

117 A. Draft Short Term Residential Rentals Ordinance
118 Moose provided information on Stillwater’s ordinance.
119 Kopitzke likes the event clause on the 3rd page.
120 Hale felt there should be discussion on the number of guests
121 Bowman suggested for an event, one guest plus the registered guest.
122 Sykora likes requiring a CUP for non-homestead property for septic compliance
123 Hale is against item “d” in the draft; Not constrained to VHS-C.
124 Doherty asked what is the background on that? (Investment property)
125 Kopitzke asked about fire inspection as part of process?
126 Hale stated there should be required detectors and extinguishers.
127 Parker stated if it is run as a business, then inspect.
128 Sykora asked of Fire Dept. has capacity to inspect? There are State codes.
129 Hale stated the home owner is responsible.
130 Moose stated the Building Inspector would coordinate for Fire Code inspection and Building Code
131 inspection.
132 Dawson stated that CUP language could cover.
133 Bowman asked about requiring a water test
134 Doherty asked what is background on why we want to regulate?
135 Hale replied there could be an issue of nuisance properties, how do we prevent or limit to be sure they are
136 operated safely.
137 Doherty suggested focusing on if they are allowed and do they need to check in with us every year?
138 Kopitzke asked at what point is it a public issue?
139 Dawson asked about state regulations on rental property
140 Dawson would recommend a CUP regardless of district
141 The draft will be discussed again in February.

142
143 B. Update on City Council actions
144 Council member Wroblewski provided a summary of the December City Council meeting.

145
146 **10. ADJOURN**
147 **Motion/Second Doherty/Patten To adjourn. Passed 8-0.**
148 Meeting adjourned at 8:54 PM.

149
150
151
152 Respectfully submitted by:
153 _____
154 JY 
155 Julie Yoho, City Clerk

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157
158 **To be approved on February 3, 2020 as (check one): Presented: _____ or Amended: X**
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