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- 5 1. **CALL TO ORDER** – Chair Kris Kopitzke called the meeting to order at 7:00 PM
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- 7 2. **PLEDGE OF ALLEGIANCE** – was recited.
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- 9 3. **ROLL CALL** – Present: Chair Kris Kopitzke, Lucia Wroblewski, Mark Nelson, Sally Doherty, Justin
- 10 Sykora, Annie Perkins, Scott Patten. A Quorum was present. Absent was Roger Bowman, James Langan
- 11 (excused).
- 12 **ALSO IN ATTENDANCE** – City Council member Joe Richter, City Administrator Ron Moorse, City Clerk
- 13 Julie Yoho
- 14
- 15 4. **APPROVAL OF AGENDA** –
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- 17 5. **APPROVAL OF MINUTES** –
- 18 A. June 4, 2018
- 19 **Motion/Second: Doherty/Kopitzke To have staff review lines 106-117 and add answers to the**
- 20 **questions so that the commission can review next month.**
- 21 **Friendly Amendment – review lines 74-117 (accepted)**
- 22 **Passed 6-0-1 (Patten abstain due to absence)**
- 23
- 24 6. **REPORTS AND PRESENTATIONS** – none
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- 26 7. **PUBLIC HEARINGS** –
- 27 A. Ruth Friedlander Application for Minor Subdivision, variance and rezoning at 2900 Stagecoach Trail
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- 29 Chair Kopitzke opened the public hearing at 7:05 pm
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- 31 Administrator Moorse provided the following summary:
- 32 Ruth Friedlander has applied for a minor subdivision, variance and rezoning at 2900 Stagecoach
- 33 Trail, 2948 Stagecoach Trail, the undeveloped parcels with PID #'s 22.028.20.11.0039, 22.028.20.11.0040
- 34 and 22.028.20.12.0002 and the parcel at 15785 Afton Hills Drive
- 35 The minor subdivision is being proposed to address multiple parcels under one ownership that are totally
- 36 or partially unbuildable due to steep slopes. The three smallest parcels (existing Parcels 2, 3 and 4 as
- 37 designated on the attached survey) are unbuildable due to steep slopes, the parcel at 2948 Stagecoach Trail
- 38 (existing Parcel 1) is unbuildable because there is a steep slope between Stagecoach Trail and the buildable
- 39 portion of the lot, and the mid-portion of the parcel at 2900 Stagecoach Trail (existing Parcel 5) is
- 40 unbuildable due to steep slopes.
- 41 The minor subdivision does not create any additional lots, but combines several parcels under the same
- 42 ownership and rearranges lot lines to add property to the adjacent parcel under separate ownership to the
- 43 north at 15785 Afton Hills Drive (existing Parcel 6). The result of the subdivision will be two parcels
- 44 instead of six parcels (see the attached sketch of the parcels). Parcel A will be 2.14 acres and Parcel B will
- 45 be 11.07 acres. The eastern portion of Parcel 1, which has buildable topography and is adjacent to Parcel
- 46 5, is proposed to be added to the eastern portion of Parcel 5 to provide as much accessible buildable area to
- 47 this parcel as possible. The result would be that the new Parcel A would have 2.14 acres vs. the current lot
- 48 size of 1.86 acres and would have more buildable area than it currently has. All of the land other than the
- 49 new Parcel A would be combined with existing Parcel 6 to create a new Parcel B with 11.07 acres.
- 50
- 51 Dan Thermes, Representative for Friedlander & Pesavento summarized their request.
- 52
- 53 No other comments were received
- 54
- 55 Chair Kopitzke closed the Public hearing at 7:15 pm

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57 Wroblewski asked about the parcel in between (It is public right of way, on a steep slope)
58 Nelson asked about the reasons a variance is needed.
59 Applicant replied it is due to the steep slopes and the practicality of maintaining and policing property on
60 top of the slope.
61 Nelson pointed out that unreasonable topography is an allowed reason for a variance.
62 Kopitzke asked if the parcel could be rezoned to VHS-R. Moose said the city has not looked to expand the
63 area of the VHS-R beyond the current boundary.
64 Patten asked for clarification on which parcels would be combined.
65 Doherty asked if Ron has seen deeds for each of the properties. Is there a 3rd owner? Friedlander stated the
66 title was in her mother's name also and will be updated when recorded. Moose stated a condition could be
67 put on regarding the deed transfer.
68 Doherty stated that it seems straightforward, it's less non-conforming to make these 6 parcels into 2 with
69 two houses. Not sure a variance is needed. Moose stated he took conservative approach to go through the
70 process. The lots are non-conforming and variance is to minimum lot size requirement for RR.
71 Kopitzke stated that to avoid a variance the lot line could be moved to have a 5 acre lot. This proposal is a
72 more practical division.
73 Wroblewski agreed that this seems like a good solution
74 Kopitzke would recommend abandoning the right of way. Moose stated that the city is reluctant to vacate.
75 Kopitzke stated he doesn't want to see more RR properties hooking up to sewer system.
76 Nelson asked if there is room for another drainfield?
77 Owner would likely prefer to find alternative on site as opposed to connecting due to costs.
78 Moose suggestion for sewer connection was because property was relatively close to sewer. May want to
79 state "protect future site for drainfield on new parcel A".
80 Doherty recommended we don't require hookup to city sewer in language.
81 **Motion/Second Wroblewski/Kopitzke to recommend approval of the Friedlander application for a**
82 **minor subdivision with findings 1-10, with deed being correct and owner of record as a condition,**
83 **eliminate condition 1. Both parcels be zoned RR with finding that parcel A will be less non-**
84 **conforming; no variance.**
85 **Findings**
86 **1. The proposed subdivision includes two parcels zoned VHS-R and four parcels zoned Rural**
87 **Residential**
88 **2. The land to the north, south and east of the subdivision is zoned Rural Residential and the**
89 **land to the south is zoned VHS-R.**
90 **3. The proposed minor subdivision does not create any additional lots.**
91 **4. The proposed subdivision combines several parcels that are under the same ownership**
92 **5. The proposed subdivision reduces the number of parcels from six to two.**
93 **6. The proposed subdivision adds 7.25 acres to existing parcel 6, which is currently**
94 **nonconforming with a lot area of 3.82 acres vs. the required minimum lot area of 5.0**
95 **acres.**
96 **7. The proposed subdivision includes a lot (Parcel A) that has a lot area of 2.14 acres vs. the**
97 **required minimum lot area of 5 acres.**
98 **8. New Parcel A has a greater lot area than existing Parcel 5, and has a greater amount of**
99 **buildable area than existing Parcel 5.**
100 **9. With the exception of the nonconforming lot area of the new Parcel A, the subdivision meets all**
101 **subdivision requirements**
102 **10. The proposed subdivision makes the currently nonconforming existing Parcel 6 a**
103 **conforming parcel with a lot area of 11.07 acres.**
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Conditions

- 1. Drainage and utility easements as required by the City Engineer shall be granted**
- 2. Scenic easements shall be placed on all areas with slopes of 18% or greater, and on all areas with slopes of 12% or greater in the Lower St. Croix River Bluffland and Shoreland Management District**
- 3. The developer shall execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision**

Discussion

Nelson agrees with Moore's recommendation to require a variance.

Perkins asked why we would not want a variance?

Kopitzke replied that when we have a variance, we are required to minimize the variance. It also sets a precedent for a small lot.

Doherty stated she likes to avoid over-reach; this is a gray area.

Perkins why could a variance be required? (Lot size and shape, rezoning)

Friendly amendment (Doherty) to add wording "one parcel becomes conforming, eliminates a flag lot, parcel A less non-conforming. (accepted)

Motion Vote: passed 7-0-0.

8. NEW BUSINESS - none

9. OLD BUSINESS –

A. Update on City Council Actions

1. Council highlights from the June 19, 2018 City Council meeting

Council member Richter provided a summary of the Council meeting.

10. ADJOURN

Motion/Second Wroblewski/Patten to Adjourn. Passed 7-0-0.

Meeting adjourned at 8:02 pm.

Respectfully submitted by:

JY

Julie Yoho, City Clerk

To be approved on August 6, 2018 as (check one): Presented: _____ or Amended: x