

CITY OF AFTON
APPROVED PLANNING COMMISSION MINUTES
January 4, 2016, 7:00 PM

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5 **1. CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 7:00 p.m.

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7 **2. PLEDGE OF ALLEGIANCE** – was recited.

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9 **3. ROLL CALL** – Present: Langan, Chair Ronningen, Kilmer, Patten, Nelson and Doherty. Seeberger and
10 Wroblewski arrived at 7:02 p.m.; Kopitzke arrived at 7:07 p.m. **Quorum present.**

11
12 **ALSO IN ATTENDANCE** – Alternate Council Liaison Bill Palmquist, City Administrator Ron Moore and
13 Deputy Clerk Kim Swanson Linner.

14
15 **4. APPROVAL OF AGENDA** – Item 9a was deleted.

16 **Motion/Second: Patten/Doherty. To approve the January 4, 2016 Planning Commission agenda as**
17 **amended. Motion carried 6-0-0.**

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19 **5. APPROVAL OF MINUTES** –

20 a. December 7, 2015 Planning Commission Meeting Minutes – Line 38 & Line 59: minor typos; Line 42:
21 change “pH balanced” to “highly alkali.”

22 **Motion/Second: Nelson/Patten. To approve the December 7, 2015 Planning Commission Meeting minutes**
23 **as amended. Motion carried 5-0-3 (Abstain: Doherty, Wroblewski and Seeberger).**

24
25 **6. REPORTS AND PRESENTATIONS** –

26 a. Solar Power Hour – Chair Ronningen introduced Dathan Lythgoe, from Midwest Renewable Energy
27 Association (MREA), who presented the Solar Power Hour, an information session offered to the public to
28 describe how solar PV (photovoltaic) systems work, outline the financial benefits and incentives, describe the
29 solar installation process, identify available funding options and connect residents with other energy agency
30 representatives and solar installers.

31 Danielle, from the Neighborhood Energy Connection, outlined several ways residents and businesses could
32 learn about saving energy with their current home and heating system.. Their contact information is 1754
33 University Avenue West, Saint Paul, MN 55104; Phone: 651.221.4462; Email: info@thenec.org.

34 The Solar Power Hour presentation, the “Solar Power Hour Guide” and contact information from solar
35 installer and energy agency representatives in attendance were made available on the Home Page of the City of
36 Afton website.

37
38 **7. PUBLIC HEARINGS** –

39 a. Nature’s Trees, dba St. Croix SavATree, Variance Application at Hudson Road Property with PID#
40 06.028.20.24.0002 – Chair Ronningen opened the Public Hearing at 8:02 p.m.

41 Administrator Moore summarized the St. Croix SavATree application requesting two variances to
42 construct a headquarters facility on a 5.9 acre site in the northeast corner of the property on Hudson Road with
43 PID# 06.028.20.24.0002. One variance was to allow steel siding as the main exterior building material. Moore
44 explained that the applicants checked ordinance language on the City’s website at the beginning of the process,
45 Sec. 12-143.(d), which indicated that wood and steel siding were allowed building materials. Later in their
46 planning it was discovered that, in 2009, an ordinance amendment restricting exterior building materials in the
47 I.1.c zone was adopted, but was not codified into the City’s zoning code in 2010. The ordinance amendment
48 eliminated wood and metal siding as allowed exterior building materials. Moore reviewed that the purpose of
49 the 2009 ordinance amendment was to establish a higher standard of quality for buildings to be constructed in
50 the I.1.c zone, which extends to Manning Avenue on the west and is the commercial gateway to Afton. While
51 the site for the SavATree building is on the far eastern end of the I.1.c zone, the SavATree building would be the
52 first building to be constructed in the I.1.c zone and could be seen as setting a standard for other buildings in the
53 I.1.c zone. The second variance requested to reduce landscaped buffer zones (Sec. 12-143.e.4), on the south side

54 adjacent to an Industrial Zone from 50 feet to 25 feet, and on the east side of the building adjacent to the Rural
55 Residential Zone from 100 feet to 25 feet.

56 A St. Croix SavATree representative spoke that reducing the buffers were to maximize the wetland and trees
57 that are on the site. Their plans are to “attractively” landscape the reduced buffer zone to maintain as much of
58 the natural parcel as possible.

59 Jim Cox, 12941 22nd Street S, a member of the Heritage Preservation Commission (HPC), has some
60 suggestions and hopes the HPC gets a chance to review this design.

61
62 **Motion/Second: Kilmer/Patten. To close the Public Hearing at 8:14 p.m. Motion carried 9-0-0.**

63
64 Commission Discussion

65 Commissioners questioned the reduced buffer zone and felt the power line easement to the east, being Rural
66 Residential zone, is a problem because no trees would be allowed to be planted. So the landscaping would need
67 to reside on the parcel under consideration, not on any adjacent land.

68 The truck traffic was questioned by commissioners and explained by the applicants. Commissioners were
69 concerned that traffic may not be the same if this building is sold to another business in the future.

70 Commissioners felt that the applicants were trying to “fit a lot” on the parcel. They asked staff if any portion
71 of the lot is a scenic easement and whether the wetland is on the FEMA map. They questioned that if the
72 wetland exceeds the size maximum, is an Environmental Worksheet required.

73 Maximum impervious surface is 35% in this I1c zone; the proposed plan has about 32% impervious, without
74 locating the driveway on the parcel-it is proposed to be constructed on the adjacent parcel. It was noted that if
75 this applicant is not including the driveway on their parcel with their application, the driveway would require the
76 developer to submit an application to be approved by the City for constructing the driveway infrastructure for
77 the whole development.

78 Commissioners had concern about the reduced buffer zones, especially to the east adjacent to the
79 Residential zoned area. They commented that the parking lot on the south side of the building seemed to have
80 excessive space for parking. The applicant explained that the turning radius of the trucks dictates the amount of
81 space required. It was questioned if the building could be turned 90 degrees. The applicant felt the less attractive
82 side would then face Hudson Road.

83 Seeberger felt that the applicant had not shown a practical difficulty for reducing the buffer zones, as the
84 property can be put to a reasonable use without the variance. She felt it was the applicants’ design that does not
85 fit the parcel.

86 Patten felt that requesting a variance to allow steel siding is not a hardship or a practical difficulty. He and
87 Ronningen contended that it is an economic consideration, which is not a parameter for granting a variance.

88 Ronningen preferred that the city change the ordinance to allow the steel siding as a building material and
89 not grant a variance to allow this particular building material.

90 Seeberger felt it was a problem that the ordinance was not codified into the land use chapter, Chapter 12
91 [which was adopted in April 2010]. It was noted that the City Attorney may have a legal opinion that could
92 allow or not allow this ordinance amendment to stand as having been passed and in effect.

93 Kilmer felt the power line easement should have further review for the possibility of planting a landscape
94 buffer to the east of this property, although it would not be located on the parcel. Commissioners questioned
95 requiring landscape buffers on property not owned by the applicant.

96 Doherty felt the residential zone may not be a problem, in that a residential house may not want to be
97 directly to the east anyway, as it is adjacent to this industrial zone. She also had a problem with the driveway not
98 being located on the parcel and asked if they could purchase more land to mitigate the variances for reducing
99 setbacks and to locate the driveway on the parcel.

100 The applicant stated the logic of the driveway being off of the parcel is for access to the entire development.

101 Ronningen stated that any access to the entire development should be an application to the city from the
102 developer.

103 It was questioned whether the Heritage Preservation Commission needed to review this application prior to
104 Planning Commission recommendation to City Council.

105
106 **Motion/Second: Seeberger/Patten. To recommend to City Council DENIAL for the for Nature’s Trees**
107 **dba St. Croix SavATree property on Hudson Road with PID#06.028.20.24.0002 for a variance to reduce**
108 **the landscape buffer on the east and south sides of the property, as the applicant has not shown a**
109 **practical difficulty that the city’s setback requirements are causing the property to not be able to be put**
110 **to a reasonable use; it is just the applicants’ current design that is a problem. Further, the plight of the**
111 **landowner is not due to the unique characteristics of the land, but are being created by the landowner.**
112 **And, granting a reduced landscape buffer variance will definitely alter the character of the neighborhood.**
113 **Motion carried 7-2-0 (Nay: Doherty/Kilmer).**
114

115 Ronningen suggested the city get a legal opinion for the ordinance amendment that was not codified into the
116 Afton City Code. If the ordinance language stands as passed, the city can consider changing the ordinance
117 language to allow steel siding, so that a variance is not required.
118

119 **MotionSecond: Patten/Seeberger. To continue the discussion concerning Nature’s Trees dba St. Croix**
120 **SavATree variance application for the property on Hudson Road with PID#06.028.20.24.0002 in order to**
121 **get an opinion on the ordinance language from the City Attorney on allowing steel siding. Motion carried**
122 **9-0-0.**
123

124 Ronningen cautioned the applicants about the driveway, which is not a part of the applicant parcel, which
125 has been identified to be an issue with the application. The applicants should work with the city to resolve this.
126

127 **8. NEW BUSINESS**

128 a. Washington County Updated Septic Ordinance – Administrator Moore explained that Washington
129 County adopted an updated Sub-Surface Treatment System (SSTS) ordinance in April, 2015. Significant
130 changes to the ordinance, including the updated ordinance language regarding the land spreading of septage,
131 was provided online for Planning Commissioner review. The City has one year to adopt the new ordinance,
132 adopt its own ordinance, or make modifications to the County’s ordinance. The City commonly adopts the
133 County’s ordinance. The Planning Commission wished to review and discuss the full County SSTS ordinance,
134 prior to the next step of scheduling a public hearing for the ordinance in February or March.

135 Moore reviewed that Washington County Public Health staff indicated in their December 7, 2015
136 presentation, that there were three acceptable methods of land application of septage to provide treatment of
137 pathogens such as bacteria and viruses. They were:

- 138 1. Surface application with incorporation into the soil within six hours of application.
- 139 2. Mixing of lime with the septage prior to land application, which kills pathogens.
- 140 3. Injection of the septage directly into the soil.

141 The regulations also provide that, prior to the issuance of a permit for land application of septage,
142 documentation of City approval is required by the County. The City may choose to restrict the approval of land
143 application of septage or limit the options for land application, particularly surface application without lime.
144

145 **The Planning Commission directed staff to schedule a Public Hearing for the February 1, 2016 Planning**
146 **Commission meeting for the Washington County SSTS ordinance which the County updated and adopted**
147 **in April 2015. The Public Hearing is to hear comments and concerns by the public and for the Planning**
148 **Commission to make a recommendation to City Council for adopting the County septic ordinance by**
149 **reference, or to recommend modifying any portion of the County septic ordinance by City ordinance.**
150

151 **9. OLD BUSINESS**

152 a. Draft City Council Minutes - Update on City Council Actions – Council Liaison Bill Palmquist reported
153 that the Council hired a new Office Assistant; that the Planning Commission didn’t have any items on the
154 Council agenda, therefore Council Member Ross reported that the Washington County septic ordinance
155 presentation about land spreading of septage was the predominant subject of the meeting; that the Planning

156 Commission decided to review the entire updated Washington County septic ordinance to be ready for a Public
157 Hearing in February or March.

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159 **10. ADJOURN –**

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161 **Motion/Second: Wroblewski/Doherty. To adjourn the meeting at 9:00 p.m. Motion carried 9-0-0.**

162
163 Respectfully submitted by:

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165
166 _____
167 Kim Swanson Linner, Deputy Clerk

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169 **To be approved on February 1, 2016 as (check one): Presented: X or Amended: _____**