



PLANNING COMMISSION AGENDA

January 9th, 2023
7:00 pm

Afton City Council Chambers
3033 St. Croix Trail
Afton, MN 55001

Please Note: This meeting will be held in-person, as well as remotely using the Zoom video conference application.

Instructions for Participating in the Meeting Remotely Via Zoom

Options for Joining the Zoom Meeting:

- RECOMMENDED: Use your computer, tablet or smart phone to join the meeting by logging on to
- <https://us02web.zoom.us/j/89392799075?pwd=TGHlaEg1T0NDWkdyaW96anV5aTNtZz09>
 - (Meeting ID: 893 9279 9075)
Passcode: 890071
 - Dial-in Number (to call in to the meeting) +1 312 626 6799
When prompted, enter Meeting ID: 893 9279 9075

AGENDA

1. **CALL TO ORDER –**
2. **PLEDGE OF ALLEGIANCE –**
3. **ROLL CALL -**
 - a) Scott Patten
 - b) Sally Doherty
 - c) Kris Kopitzke (Chair)
 - d) Jim Langan
 - e) Justin Sykora
 - f) Christian Dawson
 - g) Doug Parker
 - h) Kuchen Hale
4. **APPROVAL OF AGENDA –**
5. **APPROVAL OF MINUTES –**
 - A. December 5, 2022 Meeting Minutes
6. **REPORTS AND PRESENTATIONS – None**
7. **PUBLIC HEARINGS – None**
8. **NEW BUSINESS – Draft Zoning Standards for Two Dwelling Units in a Commercial Building in the VHS-C Zone**
9. **OLD BUSINESS -**
 - A. Groundwater Protection
 - B. Update on City Council Actions – Council Highlights from the December 20, 2022 Council meeting - attached.
10. **ADJOURN –**

A quorum of the City Council or Other Commissions may be present to receive information.

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
December 5, 2022

The meeting was held in-person, with participation via Zoom also available.

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 pm.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Present: Doug Parker, Sally Doherty, Christian Dawson, James Langan, Justin Sykora. Kris Kopitzke, Absent were Roger Bowman, Scott Patten, Kuchen Hale. A quorum was present.
ALSO IN ATTENDANCE – City Administrator Ron Moore, City Council member Randy Nelson.
4. **APPROVAL OF AGENDA** –
Motion/Second Parker/Doherty To approve the agenda for the December 5, 2022 Planning Commission meeting. All aye, Passed 6-0.
5. **APPROVAL OF MINUTES** –
Motion/Second Parker/Sykora To approve the minutes of the November 7, 2022 Planning Commission meeting with change to punctuation. All aye, Passed 6-0.
6. **REPORTS AND PRESENTATIONS** – none
7. **PUBLIC HEARINGS**
 - A. Draft Comprehensive Plan Amendment to Allow Two Dwelling Units, Rather Than the Currently Allowed One Dwelling Unit, in a Commercial Building in the VHS-C Zone
Chair Kopitzke opened the public hearing at 7:05 pm
Administrator Moore provided background information The City has received a request to allow two dwelling units in a commercial building in the VHS-C zone in the downtown Old Village area, vs. the currently allowed one dwelling unit. This request requires an amendment to the Comprehensive Plan, which currently allows only one dwelling unit in a commercial building.
Barbara Ronningen, 11th St S, stated that the comp plan should not be changed for one application. If every business adds a residence, how many is that? It is not appropriate to amend the comp plan for one request. This business has already received tax financing help in the past and now they are asking for more benefits. Also she is concerned about having enough capacity in the sewer system.
Motion/Second Langan/Parker to close public hearing. Passed 6-0
Hearing closed at 7:10pm
Doherty suggested a minimal change to the comp plan with more specifics in ordinance.
Langan stated this is a specific benefit and not necessarily applied for everyone. The existing rules have been in place for long time. Not in favor of changing.
Kopitzke asked how many properties this would apply to.
Administrator Moore stated currently about 12. There are several others could become commercial in future.
Parker asked if there is enough sewer capacity if all properties add residences.
Administrator Moore stated the system is currently at less than ½ capacity.
Langan stated that a household would utilize the system for 24 hrs v.s a business for day use.
Kopitzke stated that this could help downtown businesses.
Doherty stated there was a split opinion when this issue first came up. Key factor is that attorney said this was an appropriate thing to do. Is two the right number and how to justify the number.
Administrator Moore stated that the 2 limit goes back to what was allowed prior to the riverway ordinance. Going beyond 2 units would trigger opposition from DNR.
Motion/Second Sykora/Dawson to recommend for approval the draft Comprehensive Plan Amendment to allow two dwelling units, rather than the currently allowed one dwelling unit, in a commercial building in the VHS-C Zone.

56 Langan stated it is not conclusive this is the right thing to endorse.
57 Parker stated he does have concern about the sewer system.
58 Dawson stated he is concerned about changing the comp plan and asked about the process.
59 Administrator Moorse stated the Planning Commission recommends the amendment to the council. If
60 council approves the amendment, it will go to the Met Council for approval which typically takes 2
61 months. The Planning Commission can work on the ordinance so that it is ready when the comp plan
62 comes back.
63 Doherty expressed concern over changing the comp plan out of the regular cycle for one business.
64 **Motion vote: 3 aye, 3 nay (Langan, Parker, Doherty), motion fails**
65

66 B. Ordinance Amending the Solar Energy System Ordinance Regarding the Maximum Size of a Ground
67 mounted Residential Solar Array – **Ordinance 04-2022**

68 Chair Kopitzke opened the public hearing at 7:37 pm
69 Administrator Moorse provided background information: a resident on a heavily treed 10-acre property
70 requested a 3,000 sq. ft. ground-mounted solar array in order to meet the on-going energy needs of their
71 single-family residential home. A majority of the Council indicated they would be open to considering an
72 ordinance amendment that would allow a larger residential ground-mount solar array, subject to
73 conditions such as full screening and limiting the array to a size that would not generate more than 120%
74 of the documented amount of energy required by the residential property.
75 Haiwei Du, 2997 Trading Post Trail, stated he has solar panels on roof currently. Would like the change in
76 physical capability to generate wattage. Would like to see Afton generate more solar and to provide a way
77 for residents to generate their own electricity.
78 Resident, Trading Post Trail, stated that technology has changed in past 10 years and Afton should allow
79 ground mount if screened.
80 No other comments

81 **Motion/Second Parker/Langan to close hearing. All aye, passed 6-0.**

82 Hearing closed at 7:49pm

83 Sykora asked what is the definition of “fully screened”

84 Administrator Moorse stated that it can’t see if standing in neighbors yard.

85 More discussion was held on screening and it’s interpretations.

86 Doherty recommended adding language “Screening plan approved by the city”

87 Council member Nelson asked how the commission members feel about screening.

88 Langan stated that screening is arbitrary unenforceable. Language sounds good but is ineffective.

89 Kopitzke doesn’t mind seeing solar as long as it is not too industrial.

90 Langan stated there is no point if we have no way to enforce.

91 Sykora stated that on 10 or 20 acre lots, screening doesn’t matter much.

92 Doherty stated she wants to have language in the ordinance in case an unusual request comes up.

93 **Motion/Second Kopitzke/Dawson to recommend approval of the draft ordinance amendment
94 regarding ground mounted residential solar arrays as written; with finding that “fully screened” is
95 not well defined and not able to be enforced.**

96 **Passed 5 aye, 1 nay (Sykora)**

97 Sykora would recommend tabling until the definition is figured out.
98
99

100 8. NEW BUSINESS – none

101
102 9. OLD BUSINESS -

103 A. Groundwater Protection

104 The focus of the last joint meeting with the NRGCC was the importance of having an educational
105 component and how to best reach the public.
106

107 B. Update on City Council Actions – Council Highlights from the November 15, 2022 Council meeting

108 Administrator Moore provided a summary of the November 15 council meeting.

109

110 **10. ADJOURN**

111 **Motion/Second Sykora/Dawson To adjourn. All aye, Passed 6-0.**

112 Meeting adjourned at 8:45pm.

113

114

115

116 Respectfully submitted by:

117

118

119 _____
Julie Yoho, City Clerk

120

121

122 To be approved on January 9, 2022 as (check one): Presented: _____ or Amended: _____

123

124

DRAFT

<p>City of Afton 3033 St. Croix Trl, P.O. Box 219 Afton, MN 55001</p>
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Planning Commission Memo

Meeting: January 9, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 4, 2023

Re: Development of Zoning Regulations Regarding Two Dwelling Units in a Commercial Building in the VHS-C Zone

Development of Additional Zoning Regulations Regarding Two Dwelling Units in a Commercial Building in the VHS-C Zone

The City Council, at its December 20, 2022 meeting, approved a proposed Comprehensive Plan amendment for review by the Metropolitan Council that allows up to two residential dwelling units in a commercial building in the VHS-C zone in the downtown Old Village area. During discussion by both the Planning Commission and the Council regarding the proposed Comprehensive Plan amendment, it was agreed that regulations to clarify several issues related to the general policy direction set out in the Comprehensive Plan amendment need to be addressed and zoning regulations to address those issues need to be developed. These issues are listed and explained below.

The proposed Comprehensive Plan amendment is in the process of being reviewed by the Metropolitan Council. This review process should be complete in March of 2023. In the meantime, the process of developing zoning regulations regarding dwelling units in commercial buildings can move forward.

The first step in the process of developing zoning regulations regarding dwelling units in commercial buildings involves the Planning Commission discussing the issues listed below and providing feedback and recommendations to staff and Council to guide the drafting of zoning regulations. The draft zoning regulations will then be referred to the Planning Commission for additional feedback. Based on feedback from both the Planning Commission and Council, a final ordinance amendment reflecting zoning regulations related to dwelling units in commercial buildings will be referred to the Planning Commission for a public hearing and recommendation.

Issues related to the implementation of the general policy direction of the Comprehensive Plan amendment

1 Location of commercial uses

Should commercial uses be allowed above the main floor if there are one or two dwelling units above the main floor? The current Comprehensive Plan language allows a combination commercial unit on the main floor with residential unit above in a commercial building in the VHS-C zone. The current zoning code is silent regarding commercial uses on the second floor. However, there is currently one commercial building in the VHS-C zone that has at least one office located on the second floor, as well as one dwelling unit on the second floor. The issue of the location of commercial uses on the second floor raises questions regarding the compatibility of commercial uses on the same floor as residential dwelling units. While an office use may be compatible with a residential dwelling unit use, other uses such as a restaurant or a retail use may not be compatible.

2 Location of dwelling units

Should dwelling units be allowed on the main floor or in the basement of a commercial building in the VHS-C zone? The current zoning code allows dwelling units on the main floor and in the basement of a commercial building, if they are not located in the front half of the building. The current Comprehensive Plan allows dwelling units only above the main floor. There is currently one commercial building with a portion of a residential dwelling unit on the main floor and a portion of that dwelling unit on the second floor. There was a strong consensus on the Planning Commission that dwelling units should not be allowed in the basement of a commercial building.

3 Number of Bedrooms

Should dwelling units be allowed to have two bedrooms? The zoning code provides that a dwelling unit in a commercial or industrial building shall not contain more than one bedroom. The Comprehensive Plan is silent on the number of bedrooms allowed in a dwelling unit in a commercial building in the VHS-C zone. At least one commercial building in the VHS-C zone has had a second floor dwelling unit with two bedrooms in the past. The Planning Commission may want to consider options with a mixture of one and two bedroom dwelling units, such as allowing two dwelling units with one bedroom each, or allowing two dwelling units with two bedrooms each, or allowing one dwelling unit with one bedroom and one dwelling unit with two bedrooms.

4 Permitted Use vs. Conditional Use

A second dwelling unit in a commercial building should require a conditional use permit. Nearly all allowed uses in the VHS-C zone, with the exception of a single family home, currently require a conditional use permit. Also, the other area of the Zoning Code in which two dwelling units are allowed in one building is a duplex in the Rural Residential District, which requires a conditional use permit. A conditional use permit would enable a review of the current and planned uses in the building, the floor plan and site plan, and the available capacity in the City's wastewater treatment facility, and would enable placing conditions on the approval of an additional dwelling unit to mitigate the impacts of the additional unit.

5 A second dwelling unit should be subject to available capacity in the City's wastewater treatment facility

As indicated above, nearly all uses in the VHS-C zone require a conditional use permit. In the past this was used to ensure the use did not exceed the capacity of the private septic system, but now it can be used to ensure the use will not exceed the capacity of the wastewater treatment facility. While there should not be a capacity issue in the foreseeable future, it is not clear how the Old Village will develop over the next 20-30 years. The mix of use types could change, affecting the volume of wastewater generated in the Old Village and the available capacity in the wastewater treatment facility.

Planning Commission Feedback Requested

Feedback regarding issues related to the implementation of the general policy direction set out in the Comprehensive Plan amendment that allows up to two residential dwelling units in a commercial building in the VHS-C zone.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: January 9, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 4, 2023

Re: Groundwater Protection

A subgroup of the Planning Commission has met twice in a joint work session with members of the Natural Resources and Groundwater Committee to discuss Groundwater Protection efforts. Attached is a Ground Water Protection Scoring Spreadsheet that reflects the joint discussion.

Suggest scoring roughly on a scale of 1-5, where 5 is the best and 1 is the lowest. Low cost might get a 5, low impact might get a 1. If something is N/A, give it a zero.

If a measure has multiple parts that weigh differently, break them apart - for example, Lawn watering might have a quick component (limiting use during drought) and a not-so-quick component (prohibiting large in-ground sprinkler systems) that weigh differently.

Notes:

Factors

Type	Groundwater Measure	Long Term Environmental Impact	Ease of Implementation	Public Cost	Private Cost	Long Term Stake Holder Cost	Enforceable (Yes or No)	Impact to residents, day-to-day
	Lawn Sprinklers						5	
Code Enforcement	Irrigation and Lawn Watering						3	
Code Enforcement	Salt usage on roadways (or private salt usage, where impactful)						1	
Code Enforcement	Herbicide/Lawn chemical usage						1	
Code Enforcement	Septic tank and triggers for improvement						5	
Code Enforcement	Impervious surface ordinance – including offsets to impervious surface allowances						5	
Code Enforcement	Well-capping, inventory and closures						4	
Code Enforcement	Oversight of high volume wells						5	
Education	Planting guidance for screening and ground cover						na	
Education	Herbicide Use						na	
Education	Chemical Dumping (Education on ease of hazardous material disposal)						na	
Education	Outreach to adjacent communities for coordinated action.						na	
Testing	Nitrates and farming practices							
Testing	E. coli as it is impacting creeks and well-casings						5	
Testing	PFC levels						5	
Testing	Water Testing							
	Total	0	0	0	0	0	34	0

December 20, 2022 City Council Meeting Highlights

The Council:

- Approved the 2023 Budget & Tax Levies.
- Appointed Cody Kaye to serve on the Natural Resources & Groundwater committee.
- Approved a Draft Comprehensive Plan amendment to allow two dwelling units in commercial buildings in the VHS-C zone.
- Approved an ordinance amendment to the solar energy system ordinance regarding the maximum size of a ground mounted residential solar array.
- Designated Majestic Pines Trail as a Restricted Road.
- Approved an interim ordinance placing a one-year moratorium on the sale, testing, manufacturing and distribution within the City of products containing THC.