

The meeting was held remotely via Zoom due to the Covid-19 pandemic.

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:01 PM
 2. **ROLL CALL** – Present: Chair Kris Kopitzke, Kuchen Hale, Doug Parker, Sally Doherty, Justin Sykora, Christian Dawson, Roger Bowman, Scott Patten, James Langan. A quorum was present.
ALSO IN ATTENDANCE – Council member Annie Perkins, City Administrator Ron Moore
 3. **APPROVAL OF AGENDA** –
 Motion/Second Parker/Patten To approve the agenda for the March 1, 2021 Planning Commission meeting. Roll call: all aye, Passed 9-0.
 4. **APPROVAL OF MINUTES** –
 A. February 1, 2021
 Motion/Second Patten/Hale to approve the minutes of the February 1, 2021 Planning Commission meeting. Roll call: all aye, passed 8-0-1 (Langan abstain).
 5. **REPORTS AND PRESENTATIONS** - None
 6. **PUBLIC HEARINGS** –
 A. Michael Osborn Subdivision and Variance Application at 14726 Afton Blvd
 Chair Kopitzke opened the Public Hearing at 7:07 pm.
 Administrator Moore provided a summary: This application is for a minor subdivision for a lot line rearrangement for two adjacent parcels; one at 14726 Afton Boulevard, owned by Rian Theile and the other an adjacent parcel with PID# 21.028.20.42.0006, owned by Michael Osborn. The subdivision does not create any additional parcels. Rather, it rearranges the lot lines of the two parcels to make the small parcel compliant with the required 5-acre lot size, and to provide the large parcel substantially more public street frontage. The proposed two new parcels both are deep lots with new homes proposed to be located well back on the lots.
 Ray Pruban, Aramis homes and Mike Osborn, owner were present. The owner would like to be able to build one house. The lots have passed county compliance for septic. Plan to take the old house down.
 Chris Bliska, 14698 Afton Blvd.; neighbor who sold the lot to Mike. He is supportive of the arrangement. Septic on the .6 lot is currently compliant. It would be nice to leave the current old house up for a while as there is a family living there.
 No other comments were received.
 Motion/Second Patten/Sykora to close public hearing. Roll call: all aye, passed 9-0
 Public Hearing closed at 7:17pm.
 Parker asked about the outbuildings and where the current septic system is; also seems it would be dangerous to move the driveway to the old house due to hill.
 Ray Pruban stated that the plan is to remove all outbuildings and rearrange the lot lines. On new parcel where Mike will build, is the existing house. They will work with city regarding timing of removal prior to occupancy. The existing driveway access will be used by Mike. The new driveway will be further west for the other lot. The septic is on the small triangle lot and will have to be abandoned. The drain field is on the large parcel. The county will allow that to stay on the five-acre parcel.
 Sykora stated that this makes things better and is an improvement of the current situation.
 Hale stated this is an example of a less than 20 acre parcel that would be a great location for a shared driveway.
 Dawson asked if there is room for driveway to go through the narrow area? (yes, 60' or more)
 Hale asked if both of these parcels will eventually have new houses? (yes, one sooner than the other)
- Motion/Second Sykora/Hale to recommend approval of the Osborn Subdivision and Variance application at 14726 Afton Blvd with findings and conditions listed.**
- Findings**

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1. The subject parcels are located in the Rural Residential zone, as are the surrounding properties.
 2. The subject parcels are 0.65 acres and 12.88 acres in size respectively, vs. the required 5-acre minimum lot size.
 3. The two parcels were first conveyed in 1883 and 1887 as separate parcels.
 4. The house on the parcel at 14726 Afton Boulevard was built in 1878.
 5. The 14726 parcel has a compliant septic system, although this system is not planned to be used for the proposed new house on new Parcel A.
 6. The 0.65-acre parcel is not sustainable over the long term, due to the lack of alternate septic sites.
 7. The proposed lot line rearrangement would make both lots compliant with the 5-acre minimum lot size.
 8. The small parcel currently has 289.19 feet of frontage on Afton Boulevard. The large parcel currently has 60 feet of frontage on Afton Boulevard.
 9. The proposed lot line rearrangement would result in 170 feet of frontage for new lot A and 180 feet of frontage for new lot B.

74 **Conditions**

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1. The houses and septic sites shall meet all setback requirements
 2. The construction of the houses and driveways shall meet all Valley Branch Watershed District requirements and all City requirements
 3. All grading, drainage and erosion control plans shall be subject to the review and approval of the City Engineer and the Valley Branch Watershed District
 4. The City Engineer's specifications and recommendations for all work shall be met for the duration of the permit.
 5. The grading shall be constructed according to plans approved by the City Engineer. Silt fences or other types of erosion control shall be properly installed prior to construction; and shall be maintained in good condition until the construction is complete. All disturbed soils shall be restored as soon as possible.
 6. Easements for drainage and utilities shall be illustrated on the subdivision survey as may be recommended by the City Engineer.
 7. A letter from the Washington County Department of Public Health shall be provided to the City which states that soils within the proposed subdivision are suitable for individual sewage treatment systems.
 8. Permits for individual sewage treatment systems shall be issued by the Washington County Department of Public Health prior to building permit approval.

93 Kopitzke stated there are several items that make this unique (age of parcels, road running at a diagonal with lots along section lines).

94 Sykora stated that this makes it better.

95 Dawson asked about the driveway (it is on a county road, they will determine location of future driveway. The existing is fine).

96 Patten stated that this is under 20 acres but deserves a shared driveway.

97 Kopitzke stated this is a busy road, adding another driveway is not great.

98 Hale asked if there could there be a variance for the driveway after ordinance passes (up to the applicant).

99 **Roll call: all aye, passed 9-0.**

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103 B. Myhers Variance Application at 3395 St Croix Tr

104 Chair Kopitzke opened the Public Hearing at 7:28pm

105 Administrator Moorse provided a summary: This application requests three variances in order to enable a commercial use that requires up to twelve off-street parking spaces. The variance request is based on the City's acquisition of an easement on the eastern portion of the property and the location of an effigy mound on the property that prevent the installation of more than two off-street parking spaces on the property. The

109 location of the house on the property also limits areas available for off-street parking spaces. The variance
110 application also references that a number of commercial uses in the VHS-C zone do not have off-street
111 parking spaces.
112 The application also requests a variance to the one-year variance expiration requirement, so that the variance
113 does not expire. This variance is requested because the timing of converting the property to a commercial use
114 is uncertain. Lastly, the application requests that only one ADA compliant parking space be provided even if
115 the commercial use requires two ADA compliant parking spaces. While the first two variances fall within the
116 City's zoning code requirements, so that the City can consider the variances, the request regarding the ADA
117 compliant parking space does not fall within the City's authority, as it is a federal ADA requirement.
118 Therefore, the City does not have authority to consider a variance regarding the ADA compliant parking
119 space.
120 Karl Mulle, owns the business next door to the south. Stated he would like to understand why they are requesting
121 this since the property is currently residential. Also, what is the commercial use, as activity level could vary.
122 Concerned about the amount of parking/traffic for a restaurant, vs. an office.
123 No other comments were received
124 **Motion/Second Bowman/Sykora to close public hearing. Roll call: all aye, passed 9-0.**
125 Public Hearing closed at 7:36 PM
126 Patten asked when is this going to become a commercial building?
127 Administrator Moorse does not know specific timing. Normally when approved, you have to move forward
128 within the year or it expires. They are asking for the variance to never expire.
129 Patten clarified that this is an open-ended variance, for residential to commercial conversion, with no timeline.
130 Kopitzke stated that if we grant a variance, it has to be for the minimum necessary. Parking requirements will
131 vary if law office vs. a restaurant. The current garage area could be used for parking if it's removed. Surprised
132 that any business located there would need 12 spaces.
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134 Kim Myhers, owner, stated that the property is zoned commercial residential. The easement taking the backyard
135 forces them to ask for the variance. Wants to keep the property's commercial options.
136 Parker asked about intentions.
137 Myhers would like option to sell if a business wants to purchase property. Many properties have residential
138 above the commercial. Want to keep option of commercial.
139 Kopitzke stated that we don't change zoning. It may affect what kind of business could be there, but will not
140 change zoning here. The Indian mound in back yard is unique.
141 Myhers stated that if we don't get variance for parking, we can't sell and say it's commercial.
142 Administrator Moorse stated that the zoning is commercial. Afton's commercial zoning allows residential. No
143 plans to change. Based on size of the house, if turned into commercial use, it could require 12 parking spaces
144 to enable full use as commercial. That could vary based on use. If the entire house was turned into commercial,
145 ordinance would require 12 spaces.
146 Myhers stated if we sell as commercial use it has to have up to 12 spaces of parking which we can't get without
147 variance.
148 Kopitzke stated you'd still be able to sell it as commercial lot. Buyers could apply for a CUP or variance based
149 on use.
150 Myhers asked what if it is a small shop?
151 Kopitzke replied that smaller retail has smaller parking requirements.
152 Myhers stated she was understanding they needed 12 spaces.
153 Administrator Moorse stated that comes from the parking ordinance table which is based on sq. foot by use.
154 The MIDS ordinance reduced the parking requirement. Prior to MIDS, 12 spaces based on house footage. Now
155 8 spaces for retail or office type use.
156 Hale stated that requirements could change before this becomes a commercial property.
157 Myhers stated her concern was taking away commercial value.
158 Hale would look at it when the property is ready to be sold.
159 Parker would recommend that buyers have to understand the rules & regulations. It is zoned commercial, the
160 buyer will have responsibility. We need to understand what the business is.

161 Kopitzke suggested tabling item for a month to gather information.
162 **Motion/Second Bowman/Kopitzke to table item until next meeting for further definition of variance**
163 **request.**
164 Administrator Moorse stated the 60-day rule has been extended once, ends in early April short of council
165 meeting. Suggested tabling the subject and ask the applicants to extend the deadline up to 60 days and provide
166 a letter.
167 **Bowman amend motion to table with condition that applicant extend the deadline, and if they decline to**
168 **deny. (accepted).**
169 Patten clarify we are voting to extend or deny if they don't want to extend. (yes)
170 Doherty asked if it is better to just deny? Then the applicant can come with new information and timeline with
171 request.
172 Administrator Moorse stated that the planning commission recommendation will go to council. The council
173 will take action.
174 Parker stated that we could add findings on why it is denied.
175 Hale stated that the 12 spaces requirement is based on a previous ordinance.
176 **Bowman withdraw motion (second Kopitzke)**
177 Parker stated he doubts they will have clarity in 30 days.
178 Dawson asked why is the current owner asking for a variance - recommend they withdraw request. It was asked
179 for on false pretense that property is devalued.
180 Hale stated we need to be clear that the zoning will not change.
181 Sykora agreed this is premature variance. It may take time to sell, but the value is still there. Zoning won't
182 change.
183 Langan would deny based on lack of clarification and no supporting hardship.
184 **Motion/Second Langan/Doherty to recommend denial of the Myhers Variance Application at 3395 St**
185 **Croix Trail based on lack of merit, lack of definition, and no support of hardship.**
186 Doherty stated she did not see the variance questionnaire in the packet, did others?
187 Administrator Moorse stated the applicant did not provide the questionnaire.
188 Doherty stated the questionnaire is helpful for the commission to review and for the applicant.
189 Kopitzke would like to note where 12 spaces could be placed. Easement and protection of mound did take that
190 option away from applicant, could be noted as finding for the future.
191 Hale stated there could be hardship in the future depending on use. No hardship today.
192 **Roll call: all aye, passed 9-0.**
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194 C. Ordinance Amendment regarding Shared Driveways – Ordinance 02-2021
195 Chair Kopitzke opened the Public Hearing at 8:17 pm.
196 Administrator Moorse provided a summary: the proposed ordinance amendment allows the use of shared
197 driveways to serve new lots of 20 acres or more and requires a conservation easement that prohibits further
198 subdivision of the lots. The purpose of the ordinance is to encourage the preservation of open space and rural
199 vistas; to preserve natural resources and wildlife habitat and corridors; and to provide long term low density.
200 No comments were received
201 **Motion/Second Parker/Bowman to close public hearing. Roll call: all aye, passed 8-0-1(Doherty abstain).**
202 Public hearing closed at 8:23PM
203 Sykora clarified that a shared driveway cannot create an access point within a PLCD? (correct, not allowed)
204 Bowman stated there is the limitation of 2-3 houses per driveway.
205 Kopitzke stated that if a PLCD creates an out lot with no access, then a shared driveway would be outside of
206 the PLCD.
207 Parker suggested text “not allowed on PLCD, or connecting to”.
208 Parker asked if the requirement is each lot has to be 60 acres to divide to lots of 20 acres or more correct? (yes).
209 Suggested moving that statement up in the amendment to clarify.
210 Hale stated she will vote against this, as the lot sizes are too large.
211 Sykora agreed, but will support to begin the process.
212 Parker feels this is reasonable compromise to preserve open space.

