

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: Jacob Edwards, Justin Sykora, Kris Kopitzke, Marc Porupsky, Kuchen Hale, Doug Parker. A quorum was present. Absent were, Sally Doherty & Christian Dawson (both excused).
ALSO IN ATTENDANCE – City Administrator Ron Moorese, City Council member Stan Ross, Planning Consultant Kate (filling in for Claire)
4. **APPROVAL OF AGENDA** –
Hale add item under Old Business “easement status on River Rd”
Motion/Second Sykora/Hale To approve the agenda for the August 28, 2023 Planning Commission meeting with addition noted. Passed 7-0
5. **APPROVAL OF MINUTES** –
Motion/Second Hale/Parker to approve the minutes of the August 7, 2023 Planning Commission meeting. Passed 7-0
6. **REPORTS AND PRESENTATIONS** none
7. **PUBLIC HEARINGS**
 - A. Ben Spader Application for a Conditional Use Permit for a Type C Home Rental License at 15711 Upper 34th St.
Chair Kopitzke opened the public hearing at 7:03 pm.
City Planner Kate provided a summary of the application which is for a Conditional Use Permit for a Short-Term Rental.
Ben Spader, applicant, was present for questions. Stated he has 15 yrs of experience in rental properties. Anthony Niedwiecki, current homeowner, showed photos of the property showing tree locations and distance to neighbors, which he stated are positive aspects of house for short term rental. The indoor pool contains noise. He doesn’t see issue with vehicles on the narrow road as there are places to pull over. Tina Scaramuzzo, 3 Coulee Ridge Road, shares a property line, is opposed to the application and requests that it be denied. Values privacy and is concerned about noise. She also has concerns over the single lane road being able to safely support the traffic. There is not enough room for parking at the site. Andrea Schotzko, 3322 Pennington, agrees with Tina on her concerns. The one lane road and intersection are unsafe for people not familiar with the area. She does not want a business in the neighborhood. Peter Fahnhorst, Pennington, agrees with his neighbors and is opposed to the application. He is retired law enforcement and has concerns about adding 15 cars to that area. In inclement weather emergency services could be compromised.
Lisa Buck, 15740 Upper 34th St, shares a property line and is opposed to the application. The neighborhood is safe because of familiarity among the neighbors. The road supports 5 residents and will be unsafe for double the traffic. Privacy and safety will be compromised by a business in this neighborhood.
Edmund Knee, 3404 Pennington, agrees with all the comments made.
Anthony Niedwiecki stated he feels this is a good property for rental. The property is 2 acres, the road is maintained, there is legal parking on site. They have made efforts to talk with the neighbors and are willing to add fencing or hedges if needed. Wouldn’t do anything to hurt the neighborhood.
Scott Johnson, 3403 Pennington Would like to have clarification of the parking and guest numbers listed in the conditions. There is not enough paved surface for 13 parking spots and there will be less space in the winter. Also has concerns about the septic system.
Brenda Johnson, 3403 Pennington stated when the house was built there were concerns about the driveway and road. The Afton Comprehensive plan states the goal is to protect, having a business in this area doesn’t fit.
Other neighbors had the following concerns:

- 59 - Traffic impacts on Pennington as the road design is for slow, limited traffic.
- 60 - There will be pool parties
- 61 - The road is not easy in the winter; cars have to move to the shoulder to pass each other.
- 62 - Historic cemetery located on the hill with the road going through this property.
- 63 - High impact on the neighborhood.
- 64 - A privacy fence will not contain noise
- 65 - Sets a precedent for allowing rental businesses in residential areas.

66 Ben Spader, applicant, stated the property is well suited for rental. The noise would be contained. The road
67 up is one lane paved, there will not be street parking. Renters will not drive past the property to the cemetery,
68 walk only.

69 **Motion/Second Parker/Sykora to close public hearing. Passed 7-0**

70 Hearing closed at 7:54 pm

71 Porupsky stated he drove and biked the area. This is a balancing act between new owners rights and
72 neighbors. One major concern is the number of cars – that can be reduced.

73 Parker stated he is concerned about emergency response or evacuation operations.

74 Hale stated she drove up to the property and understands the neighbor’s concerns. Suggested reducing the
75 number of parking spots and vehicles.

76 Kopitzke stated the CUP license is issued for 1 yr. If issues develop, it can be revoked.

77 Edwards stated that 10 cars is the maximum allowed, but it seems like too many. Require an age
78 minimum for booking of 25.

79 Sykora stated that this short term rental ordinance was difficult to write. Good street access should be
80 required but it’s not in the ordinance.

81 Langan stated he has concerns regarding liability with the road easement going through the property
82 including safety concerns with children and renters not knowing the area.

83 Parker agreed with Sykora’s concern on the street access and noted this is a challenging location.

84 Edwards suggested putting more stipulations on the application or table for time to consider.

85 Porupsky noted that traffic and noise are the biggest concerns.

86 Paker asked who will enforce the noise to protect the residents.

87 Hale stated the application meets the legal requirements.

88 Kopitzke suggested reducing traffic with more restrictions and adding screening.

89 **Motion/Second Kopitzke/Hale to recommend approval with findings and conditions listed with the**
90 **following changes: reduce parking to 5 overnight, overall no more than 8 continent on adequate**
91 **space due to weather; provide additional screening on southern boundary and along 34th St.;**
92 **provide information to guests regarding parking, narrow street, traffic at intersection; request**
93 **guests to respect the quiet neighborhood. Passed 4 - 3 (Langan, Parker, Sykora)**

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96 **8. NEW BUSINESS** none

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98 **9. OLD BUSINESS -**

99 **A. Ordinance Protecting Groundwater and Surface Waters from Fertilizer, Pesticides and Herbicides**

100 Moose provided a summary of the existing ordinance regarding fertilizer, pesticides and herbicides.

101 Parker stated it may be good to clarify what is allowed in ag use as this is more about lawns.

102 No action was taken.

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104 **B. Draft Shoreland Ordinance Amendments Regarding Tree Protection and Replacement – Update**

105 Administrator Moose stated the Council is waiting for more legal advice, planning to have public hearing
106 at the Oct. Planning Commission meeting.

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108 **C. Easement on River Road**

109 Hale asked about the status of the easement on River Road. If the easement was a condition of sale, it has
110 not been completed. The property has been sold.

111 Administrator Moorse stated the easement was a condition for a building permit. The owners will not be
112 building until next spring at the earliest, have not yet applied for a building permit.

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114 D. Update on City Council Actions – Council Highlights from the August 15, 2023 Council meeting.
115 Council member Wroblewski provided a summary of the August council meeting.
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118 **10. ADJOURN**
119 **Motion/Second Hale/Parker To adjourn. Passed 7-0.**
120 Meeting adjourned at 9:00 pm.
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127 Respectfully submitted by:
128
129 JY
130 Julie Yoho, City Clerk
131

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133 To be approved on
134 October 2, 2023 as (check one): Presented: X or Amended: _____
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