

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 7:02 PM
2. **ROLL CALL** – Present: Chair Kris Kopitzke, Kuchen Hale, Doug Parker, Sally Doherty, Justin Sykora, Christian Dawson, Roger Bowman, James Langan, Scott Patten. A quorum was present.
ALSO IN ATTENDANCE – Council member Lucia Wroblewski, City Administrator Ron Moore
3. **APPROVAL OF AGENDA** –
Motion/Second Hale/Parker To approve the agenda for the January 4, 2021 Planning Commission meeting. Roll call: all aye, Passed 9-0.
4. **APPROVAL OF MINUTES** –
A. December 7, 2020
Motion/Second Hale/Bowman to send back the minutes of the December 7, 2020 for more detail. Roll call: all aye, Passed 9-0.
5. **REPORTS AND PRESENTATIONS** - None
6. **PUBLIC HEARINGS** –
A. FOC Preliminary Plat Application for 63 acres of land located in SE quadrant of Hudson Road and Manning Ave.
Chair Kopitzke opened the public hearing at 7:13pm.
Administrator Moore provided an overview. This is a light industrial development in the industrial zone. Feedback from MNDOT indicates they are not interested in having a separated trail in this area. If there is a separated trail, it will be the city's responsibility to develop.
Bob Kirmis, Planning Consultant; provided a summary of the project. Site is zoned light industrial, 3 overlay districts. Private septic and wells will be required. Conservancy Overlay District was reviewed by NRCG. Cul de sac design is due to no other alternative because of the flood plain. Street names: Mill Bay, Maple Court. Turn lanes are recommended off Hudson Rd. Lot 6 & 7 have been combined, total number of lots will be 6. Approval is recommended subject to 16 conditions in report.
Chair Kopitzke asked about the process.
Administrator Moore explained the prelim plat is where changes can be made; the final plat is finalizing details for recording.
Kirmis stated that this is stage to determine the acceptability of the design.
Kris Heddle, neighbor, asked what will be built there and if there will be hearings for that.
Administrator Moore stated if individual development on the lots need a CUP, there will be a public hearing.
No other comments were received
Motion/Second Sykora /Patten to close public hearing. Roll call: all aye, passed 9-0.
Public hearing closed at 7:28pm

Chair Kopitzke asked about structures on a flood plain and the requirement of building on fill – does that include solar farms?
Administrator Moore stated that each panel is on a post, discussion was to have them up high enough on post.
Chair Kopitzke asked about item 8 regarding trees
Kirmis is looking for explanation of how the percentage of trees being removed is calculated.
Sykora asked about buildable acres per lot – could the non-buildable areas be protected somehow? Currently wetland.
Chair Kopitzke stated he does not like a shared ownership aspect here.
Sykora likes the concept that they are all responsible for protecting.
Administrator Moore stated that we are requiring a scenic easement over the wetlands and steep slope areas which provides protections.

- 57 Hale asked if a scenic easement can be broken easier than a conservation easement? What is the difference in
58 the two easements?
- 59 Administrator Moose stated that a scenic easement could be changed by a future council. A conservation
60 easement is held by a 3rd party and provides more protection. Question is, is there an entity that would want to
61 hold a small piece of property in an industrial zone? There are other entities protecting the wetlands as well.
62 Parker stated that runoff is a potential problem. Runoff should be contained in each lot. Also septic systems
63 should not be in the floodplain (lot 6). What can grow underneath the solar panels?
- 64 Evan Carlson, solar developer; stated that they plant a pollinator friendly, deep rooted seed mix for erosion
65 control under the panels.
- 66 Administrator Moose stated that the primary and secondary septic sites need to be shown for each lot, if area
67 is large enough it can serve as both.
- 68 Developer is still waiting for updated comments from the county engineers. No septic will be located in flood
69 plain. They have to show septic sites for each lot as per the county. Stormwater plan for individual lots will
70 come with each development.
- 71 Bowman stated that at a previous hearing, the adjacent neighbor expressed concern about the view. A protective
72 easement could solve that. Question about future bike trail on the north side (runs from Manning to Stagecoach,
73 then stagecoach to Hudson to Lakeland) these segments are in future plan.
- 74 Patten noted that larger cul de sacs are proposed over what was in original.
- 75 Administrator Moose stated that the city requires commercial roads have wider turn around; future use may
76 require.
- 77 Jeff Pearson, WSB; looked at what is typically required and expected use for the roadways. This is 32' with 6'
78 shoulder on each side, 55' radius on cul de sac. 80' right of way provides room for water drainage and treatment
79 within roadway.
- 80 Project Engineer Alan Catchpool stated they would reduce the width of the road if it was allowed.
- 81 Hale asked what would emergency services like to see for road width? Would be concerned with minimizing
82 the width for that reason.
- 83 Chair Kopitzke recommended we stay with city ordinance for road.
- 84 Hale asked how best to capture runoff?
- 85 Sykora stated capturing the first inch of water runoff is the most important. There are various ways to capture.
86 Question about bump in road by Save A Tree.
- 87 James Gasperini stated the bump by Save A Tree is old rock pile from the cornfield.
88
- 89 **Motion/Second Kopitzke/Hale move to recommend approval of the Preliminary Plat with**
90 **recommendations 1-16 below. Also add items: 17 “demonstrate that a septic system on lot 6 is possible**
91 **without affecting sensitive water ways”; item 18 “park dedication fee”; item 19 “Move rocks and**
92 **straighten road by Save A Tree if that bump is man-made”. Also strike item 15 regarding trail**
93 **(accepted).**
- 94 1. The applicant shall provide information related to potential shoreland impacts upon proposed Lot 4, a
95 portion of which lies within the Shoreland Overlay District of an unnamed flowage to the northeast. Of
96 specific issue are potential buildable area impacts resulting from the 200-foot structure setback and 150-
97 foot sewage treatment system setback imposed from the ordinary high-water level (OHWL).
 - 98 2. Pavement diameters within the turnaround areas of the two proposed cul-de sacs shall be sufficient to
99 accommodate turning movements of large vehicles (i.e., semi-tractor trailer trucks). This issue shall be
100 subject to further comment and recommendation by the City Engineer.
 - 101 3. Direct driveway access from Manning Avenue (applicable to Lots 1 and 2) and Hudson Road
102 (applicable to Lots 2, 3 and 4) shall be prohibited. Access-related issues shall be subject to further
103 comment by the City Engineer and MnDOT.
 - 104 4. Proposed street names within the subdivision (Mill Bay and Maple Court) shall be consistent with the
105 Washington County street naming conventions.
 - 106 5. The acceptability of proposed right-of-way widths shall be subject to comment and recommendation by
107 the City Engineer.

- 108 6. Details related to street construction and any necessary improvements shall be subject to comment and
109 recommendation by the City Engineer.
110 7. The shared side lot line between Lots 1 and 3 shall be adjusted to be substantially at a right angle to the
111 abutting street (Mill Bay) and the shared side lot line between Lots 5 and 6 shall be adjusted to be radial
112 from the abutting cul-de-sac (Maple Court). Such modifications shall be done in a manner which
113 maintains a minimum of 2.5 buildable acres upon each lot.
114 8. The applicant shall provide details related to the calculation of the tree removals which will result from
115 primary construction activities. Such details shall demonstrate compliance with the maximum 30
116 percent removal (of significant trees) requirement of the Ordinance.
117 9. Wetland-related issues, including buffer requirements, shall be subject to further comment and
118 recommendation by the City Engineer and the Valley Branch Watershed District.
119 Easements for drainage and utilities shall be illustrated on the preliminary plat as may be recommended
120 by the City Engineer.
121 10. Easements for drainage and utilities shall be illustrated on the preliminary plat as may be
122 recommended by the City Engineer.
123 11. Scenic easements shall be illustrated on the preliminary plat upon slopes 18 percent or greater,
124 wetlands, drainage ways and other lands judged to be fragile by the soil conservation service.
125 12. Efforts shall be made to preserve the natural features upon the subject site. Such efforts shall be
126 subject to review and approval by the City.
127 13. The following conditions related to sewage treatment systems shall be satisfied:
128 A. A letter from the Washington County Department of Public Health shall be provided to the City
129 which states that soils within the proposed subdivision are suitable for individual sewage
130 treatment systems.
131 B. Permits for individual sewage treatment systems shall be issued by the Washington County
132 Department of Public Health.
133 C. Review of proposed septic designs and final septic permits shall be received from the Washington
134 County Department of Public Health prior to building permit approval.
135 14. As part of final plat approval, the applicant shall satisfy the park dedication requirements of the City.
136 ~~15. The applicant shall work with MnDOT and the City regarding the establishment of an off-street trail~~
137 ~~along Hudson Road South.~~
138 16. As a condition of final plat approval, the applicant will be required to enter into a development
139 agreement with the City and post all the necessary securities required by it.
140

141 Bowman friendly amendment to require screening along Manning and Hudson Rd – Hale stated that would be
142 part of a CUP (Not accepted).

143 **Kopitzke friendly amendment: note that item 14 already covers park dedication, state that preference is**
144 **for fee. (Accepted)**

145 **Motion Vote Roll call: 8 aye, 1 nay, passed 8-1 (Parker nay)**
146

147 **7. NEW BUSINESS** – none
148

149 **8. OLD BUSINESS** –

150 A. John & Kim Ziton Variance application at 4102 River Rd

151 Administrator Moose stated that the variances are for disturbing 12% slope and also for front setback. Item
152 was tabled last month, this is a revised plan which moved house back on the lot. A portion goes into the slope
153 approximately 17-18' beyond current patio.

154 Bowman asked if this eliminates the existing retaining wall (yes it will be re-done).

155 Hale stated that this decreases variance in the front, but increases the one in the back.

156 Parker asked what will happen with the old septic system?

157 Administrator Moose stated the area behind the current house is the drainfield. Tanks are on side and front
158 of house, those have to be abandoned.

159 Kim Ziton applicant, stated the existing septic system is more to the south, won't be in the excavation area.

160 Parker asked about new well location (not yet determined).
161 Sykora asked about procedure, this seems like a new variance - should there be a new public hearing?
162 Administrator Moorese stated the application was regarding slope; indicated focus on front and south side;
163 now expanded to west as well.
164 Sykora stated the neighbors were not heard regarding slope in back, they looked at front.
165 Doherty stated she recalls of similar River Rd variances which were declined – neighbors were concerned in
166 the past with slope proximity.
167 Administrator Moorese stated the other application that was reviewed changed design to minimize excavation
168 into slope.
169 Sykora stated he recalls the similar application – the variance was always for work in slope. Disappointed to
170 see the house on this one didn't change.
171 Ziton stated they changed the back room on the south side and moved the house back to address front setback.
172 Sykora doesn't see substantial changes to the size of the structure, just pushing it back where it didn't fit the
173 first time. Different type of variance now without public comment – that is his concern.
174 Parker asked if any slope is greater than 12%?
175 Administrator Moorese stated the general slope of land there is greater than 12%. Previous excavation there
176 cut the slope off where existing patio is.
177 Chair Kopitzke stated the topographical map behind house looks like 33% slope.
178 Bowman stated there are two stages of slope. The new design shows south wall 25' from south lot line, where
179 is that relative to ravine?
180 Parker asked if the house is extended more that direction now, towards the ravine?
181 Ziton replied yes, 25' from line. Moved 6' from last month.
182 Parker asked if moving back 25 feet still requires removal of the 2 large trees in front?
183 Ziton replied yes, both will be removed.
184 Bowman asked about other trees?
185 Ziton stated there are others in back that are potential problem that may need to be removed.
186 Parker asked what is the reasoning for hardship for the variance?
187 Chair Kopitzke stated there is no exceptional hardship. All properties on River Road have these constraints
188 between the road and the bluff. House could be shaped to fit the space.
189 Hale stated that we've already denied similar variances in this area. She doesn't see the hardship of the land
190 to make this acceptable.
191 Ziton stated she doesn't understand the parameters to build here.
192 Patten stated the parameters are to build a house with no variance required.
193 Chair Kopitzke stated the existing house may pre-date the ordinances.
194 Ziton stated the current house is on a slope, no way to get around a slope.
195 Doherty stated on River Road nearly every homeowner would like to expand toward the river or into the
196 slopes. Applicants go through the learning curve. The Variance questionnaire is clear that it is not warranted
197 in this situation.
198 Ziton asked what can we build here?
199 Doherty stated this is not a negotiation. The question is is a variance warranted for what is being presented.
200 Staying within the footprint of the existing house is ok.
201 Parker stated the proposed house is very large for the lot, this just pushed it back.
202 Chair Kopitzke stated this is wider lot than some, could expand north/south; the boundaries are bluff and
203 setback from road.
204 Hale stated it is hard to advise without being on the property. We can tell you rules for a variance, other
205 experts can tell you how to build.
206 Chair Kopitzke stated that areas of this lot that have already been built on.
207 Administrator Moorese stated the land to north and south is slope also, would need variance.
208 Sykora stated that requesting a variance for 12% slope of mowed lawn is different than cutting into a wooded
209 slope.

210 **Motion/Second Doherty/Bowman to recommend the City Council deny the variance application for the**
211 **front and back because it doesn't meet primary criteria for a variance as outlined by application**
212 **questionnaire and the state.**

213 **Parker offered friendly amendment "no identifiable hardship, no unique feature about the property;**
214 **this is familiar topic in the neighborhood". (accepted). Roll call: all aye, passed 9-0.**
215

216 B. Draft Ordinance Amendment regarding use of shared driveways for subdivisions

217 Administrator Moose explained that the draft tonight has some clarifications. Feedback will go to council to
218 finalize the ordinance amendment.

219 Kopitzke stated that the council would like larger lots.

220 Parker asked about the requirement of a cul de sac ?

221 Administrator Moose stated that the only time a cul de sac is required is if it is already a dead-end road that
222 the driveway will go off. At the situation on 10th street the owners already have created a cul de sac for turn-
223 around purposes. A private driveway easement will be needed there to connect.

224 Sykora asked what is the benefit of a cul de sac requirement?

225 Administrator Moose stated the need for plow truck or school bus to turn around.

226 Sykora stated the lots should be conforming, or the road frontage lot has to be conforming.

227 Bowman asked if shared driveways could be allowed in the industrial zone?

228 Sykora stated no; only potentially if for solar development as road requirements would be different.

229 Hale stated that a 5 acre minimum lot is her preference. (Patten, Sykora, Kopitzke all agreed)

230 Sykora stated that 10-15 acre lots in RR zone could benefit from this.

231 Patten stated that the lot size requirements are too high in this current document.
232

233 C. Update on City Council actions

234 Council member Wroblewski provided a summary of the December City Council meeting.
235

236 **9. ADJOURN**

237 **Motion/Second Hale/Parker To adjourn. Roll call: all aye, Passed 8-0.**
238

239 Meeting adjourned at 9:38 pm.
240
241

242 Respectfully submitted by:

243
244 JY

245 Julie Yoho, City Clerk
246
247

248 To be approved on February 1, 2021 as (check one): Presented: X or Amended: _____
249
250