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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, Roger Bowman, Sally Doherty, Kuchen Hale, Christian Dawson, Justin Sykora. Scott Patten, Kris Kopitzke, James Langan. A quorum was present.  
**ALSO IN ATTENDANCE** – City Administrator Ron Moore, City Planner Claire Michelson, Council member Stan Ross.
4. **APPROVAL OF AGENDA** –  
**Motion/Second Bowman/Parker To approve the agenda for the October 3, 2022 Planning Commission meeting. All aye, Passed 9-0.**
5. **APPROVAL OF MINUTES** –  
**Motion/Second Parker/Bowman To approve the minutes of the August 29, 2022 Planning Commission meeting with change to line 82. Passed 7-0-2 (Langan, Kopitzke abstain due to absence).**
6. **REPORTS AND PRESENTATIONS** – none
7. **PUBLIC HEARINGS**
  - A. Bruce Lenzen Design Build, LLC/Lakkundi Variance Application at 4500 River Road South to Replace Existing House with a New House.  
Claire Michelson provided an overview of the application which is for a variance from the slope grading restrictions outlined in Section 12-637 B, in which no grading shall be done on slopes greater than 12 percent in the Lower St. Croix River Bluffland and Shoreland Management Area. The requested variance would allow the applicant to replace the property’s current home and driveway with a larger home and a new less steep driveway.  
Chair Kopitzke opened the public hearing at 7:05pm  
Bruce Lenzen, applicant, stated the new home will go in the same location as the old one; driveway will not be as steep.  
**Motion/Second Bowman/Parker to close public hearing. All aye, passed 9-0.**  
Hearing closed at 7:07 pm  
Bowman asked about amount of slope over 12%  
Michelson stated the survey has a range of 12-17%. Purple area is 18% (some will be on the 18%)  
Bowman asked about the creek to north of the house, how can it be protected during the process  
Administrator Moore stated that an erosion control plan will be developed and area will be protected. Nothing will be closer to the creek than it is now.  
Langan asked if there will be new footings  
Lenzen stated they plan to take the old footings out and excavate from the inside to minimize disruption.  
Bowman asked about height of structure (34’)  
Chair Kopitzke stated he is not concerned about the slopes.  
Sykora stated the current house is already in the slope at the corner, this doesn’t change it.  
Doherty asked about the history of the original house and if it was designed to protect something with the “L” shape.  
Administrator Moore stated the entire site was disturbed by grading for the landscaping when built.  
**Motion/Second Sykora/Patten to recommend approval of the variance with conditions listed; with a change to number 5 wording change to “must not”. Passed 7-2**

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- B. John & Kim Ziton Variance Application at 4102 River Road to Replace an Existing Retaining Wall. Claire Michelson provided a summary of the application which is for a variance from the 200 foot setback requirement from the Ordinary High Water Line of the St Croix River, to replace an existing retaining wall that is an estimated 10 feet from the shoreline. The requested variance would allow the applicant to replace the property’s current wood retaining wall, and replace it in the same footprint with substantially stronger and more durable material.

Chair Kopitzke opened the public Hearing at 7:20 pm  
Kim & John Ziton, applicants, were present and described the design of the wall which will be steel. Janell Woodfill, River Road, thinks it’s a good idea to replace the old wall.  
No other comments

**Motion/Second Parker/Bowman to close public hearing. All aye, Passed 9-0**

Hearing closed at 7:25 pm  
Bowman stated there currently are 3 tiers to the property, will there be others (Ziton - will determine and replace with same)  
Doherty asked if there will be a stairwell (Ziton - discussed stone stairs near where the driveway comes down, would be future project)  
Sykora stated it is good to get rid of the existing creosote wood. Steel will have to be installed down with digging. Can it be done in the riverway with the regulations (Ziton -met with DNR)  
Administrator Moorse stated that the DNR met on site and determined it was acceptable.  
Ziton stated that there are many concrete structures up and down the river. The steel wall seems less invasive and it is hammered in.  
Jason Johnson, contractor, stated the steel sheet is driven in, minimal excavation. The panels interlock, typically ¼’ thick.  
Langan asked about thickness of the steel  
Patten asked about lifespan (50-60 yrs)  
Parker asked about color (will age naturally)  
Bowman asked if there will be any impact on construction of house (no impact) should commission wait until plans are more defined interns of color, lifespan of material,  
Ziton has seen deterioration on the site over the past 2 years so would like to do prior to spring and potential high water levels.  
Langan why not restore slope to original grade rather than wall (slope is deteriorating limestone)  
Patten asked why not expand the wall

**Motion/Second Hale/Doherty to recommend approval of the Ziton Variance application at 4102 River Road with findings and conditions listed.**

Bowman add condition “same location and same size as current wall”  
Sykora add condition “DNR review and approve”  
Dawson would like details to be provided prior to the council meeting regarding the thickness of the steel, and details on installation.  
Doherty stated that approval doesn’t take into account other regulations from other entities. Details of structure need to be shared with city engineer. Also alert council members that this construction project is close to the river; we are not the experts.  
Kopitzke add condition # 9 “Detailed plan review required by city engineer or relevant expert”

**Vote: 6 aye, 3 nay, Passed 6-3**

- C. Ordinance Amendment to Establish a Definition of “Nature Center.”  
Moorse summary The Zoning Code includes “Nature Center” as an allowed use with a conditional use permit, but does not include a definition of “Nature Center”.  
Chair Kopitzke opened the public hearing at 7:55 pm  
Katie Bloome, Belwin Executive Director. Stated she has two concerns with wording; using “and” implies they have to have both protection and public outreach, not sure if that was the intent. Could it just protect open space? Suggest looking at language. “and/or”. Non commercial/non-profit definition - some programs

109 are fee based and can't run without fees to cover costs. Bigger events charge admission to cover cost. Also  
110 Belwin sells merchandise and can have food trucks. Clarify what non commercial applies to, don't apply it  
111 to non-profit.

112 No other comments

113 **Motion/Second Parker/Dawson to close public hearing. All aye, Passed 9-0.**

114 Hearing closed at 8:00 pm

115 Administrator Moorse suggested adding "and/or" "and may also".

116 Bowman asked how to draw line between this use and an event center with large crowds.

117 Katie Bloome stated any non-profit needs a mission behind their work. Could use education component to  
118 protect against commercial ventures.

119 Parker stated there is a component of maintenance to retain the status

120 Dawson this is just a definition, not an ordinance.

121 Administrator Moorse recommend asking the city attorney to assist with language.

122 **Motion/Second Hale/Bowman to table until November meeting and consult with attorney on  
123 language. All aye passed 9-0.**

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125 **8. NEW BUSINESS –**

126 A. Draft Language for a Comprehensive Plan Amendment, and for a Related Zoning Code Amendment,  
127 Regarding Dwelling Units in Commercial Buildings in the VHS-C Zone.

128 Administrator Moorse provided background information: The City has received a request to allow two  
129 dwelling units in a commercial building in the VHS-C zone in the downtown Old Village area, vs. the  
130 currently allowed one dwelling unit. This request would require an amendment to the Comprehensive  
131 Plan, which currently allows only one dwelling unit in a commercial building. The Council has indicated  
132 it is open to considering a Comprehensive Plan amendment to allow two dwelling units.

133 Hale asked about the capacity of the sewer system if we allow more dwellings downtown. Also how  
134 many buildings could this affect

135 Patten stated that if we triple the number of people living downtown it is very different from the  
136 comprehensive plan.

137 Dawson stated we should take time on this and discuss intent and the comp plan.

138 **Motion/Second Sykora/Parker to recommend opening the comprehensive plan for potential change  
139 regarding the VHS zone.**

140 Parker stated the basement is the worst place to go in event of fire. Would not recommend basement  
141 dwellings.

142 **Vote: 6 Aye, 3 Nay, Passed 6-3.**

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144 **9. OLD BUSINESS -**

145 A. Groundwater Protection

146 Doherty stated she talked with the chair of the Natural Resources & Groundwater committee. They have  
147 several new members and would like to work on this initiative.

148 The planning commission members discussed having a special meeting to discuss this topic further.

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150 B. Update on City Council Actions – Council Highlights from the September 20, 2022 Council meeting  
151 Council member Ross provided a summary of the September council meeting.

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153 **10. ADJOURN**

154 **Motion/Second Sykora/Hale To adjourn. All aye, Passed 6-0.**

155 Meeting adjourned at 9:20 pm.

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159 Respectfully submitted by:

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JY

Afton Planning Commission  
Meeting Minutes **APPROVED**  
October 3, 2022

162 Julie Yoho, City Clerk

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To be approved on November 7, 2022 as (check one): Presented:  or Amended: