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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: Kris Kopitzke, Justin Sykora, Jacob Edwards, Sally Doherty, Kuchen Hale, Doug Parker, James Langon. A quorum was present. Absent was Christian Dawson (excused). Marc Porupsky has left the Planning Commission.  
**ALSO IN ATTENDANCE** – City Administrator Ron Moorse, City Planner Claire Stickler, City Council member Lucia Wroblewski
4. **APPROVAL OF AGENDA** –  
**Motion/Second Parker/Kopitzke to approve the agenda for the November 4, 2024 Planning Commission meeting. Passed 7-0.**
5. **APPROVAL OF MINUTES** –  
**Motion/Second Hale/Doherty to approve the minutes of the October 7, 2024 Planning Commission meeting. Passed 6-0-1 (Parker abstain)**
6. **REPORTS AND PRESENTATIONS** none
7. **PUBLIC HEARINGS**
  - A. David Herreid Variance Application at 16530 Swede Hill Dr S  
**Motion/Second Kopitzke/Hale to open the public hearing. Passed 7-0**  
Hearing opened at 7:03 PM  
Claire Stickler, City Planner provided background information on the application. The property is located on the St. Croix River and measures 5.1 acres. In January 2024, the City Council approved a variance request for the ordinary high water mark setback requirements and bluff line setback requirements to build an accessory structure that would be constructed with the same setback as the existing cabin. The proposed accessory structure would connect to the existing cabin by a breezeway, making the overall structure a year-round home by supplementing a garage, workshop, half bathroom, and greenhouse. The applicant worked extensively with the City to produce an overall design that minimizes site disturbance by consolidating all proposed programmatic elements into one structure (rather than a principle structure and detached accessory structure). The applicant now wants to alter the design of the accessory structure/breezeway, adding a non-habitable space on top of the breezeway that would house stair/elevator access to a new rooftop deck. This alteration would not change the setbacks previously granted by the two variances earlier this year. Since the accessory structure would then be taller than the existing principal structure, which is not permitted by Section 153.077(E) of Afton's Zoning Code, the applicant is requesting a new variance to deviate from this section. Additionally, the DNR has requested the removal of the property's existing noncompliant deck that hangs over the St. Croix River. If this variance is approved to enable access to the rooftop deck, the applicant has said they would remove the noncompliant deck over the river.  
Dave Herreid, 16530 Swede Hill Dr, applicant, stated he feels the rooftop deck will be less impactful than the current one which will be removed. They are planning native plantings for the landscaping. The indoor elevator is to access in all weather conditions as they age.  
No other comments  
**Motion/Second Sykora/Parker to close public hearing. Passed 7-0.**  
Hearing closed at 7:10 PM  
Clarification on the ordinance they need variance for  
Claire accessory structure not be taller than the primary  
Chair Kopitzke stated this seems to be an addition to the primary structure not an accessory structure.

56 Administrator Moore stated this is an attached garage, part of principal structure now. Adding additional  
57 height to what was originally which is triggering the variance.  
58 Sykora is concerned about the precedent being set, although he is in favor of the project and removing the  
59 other deck.

60 Langan and Hale both stated that is not a hardship.

61 Dave Herreid stated that many homes on River Road are taller.

62 Further discussion was held on practical difficulty, the original variance, and visual impact trade-off.

63 **Motion/Second Sykora/ Hale to recommend approval of the David Herreid variance noting that the**  
64 **practical difficulty that it is a non-conforming original structure with restrictions on any improvement.**  
65 **Request they add additional screening if possible, and note that the property will be less non-**  
66 **conforming with removal of existing deck. Passed 4-3.**

67  
68 B. Robert & Gail Maxey Variance Application for an attached garage at 1050 Neal Ave

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

70 Hearing opened at 7:50 PM

71 Claire Stickler, City Planner provided information on the application which is a request to allow an 1,860 sq ft  
72 addition to the existing principal structure within the required 150 foot front yard setback. The addition would  
73 include a 360 square foot laundry/mudroom and 1,500 square foot attached garage. Section 153.051 requires  
74 buildings be 150 feet setback from the road. The submitted site plan appears to show the addition closer to the  
75 road than the existing structure. The applicant should adjust the site plan to align the addition with the setback  
76 of the existing structure to prevent the need for additional variances and minimize the nonconformity. The  
77 applicant's request appears to constitute an alleged practical difficulty due to the limited areas for an addition  
78 on the other sides of the structure.

79 Gail Maxey, applicant, stated that the plan has been revised and the addition now goes back at an angle.

80 No other comments

81 **Motion/Second Parker/Hale to close public hearing. Passed 7-0.**

82 Hearing closed at 7:57PM

83 Discussion on the revised plan.

84 **Motion/Second Kopitzke/Sykora to recommend approval of the Robert & Gail Maxey Variance**  
85 **revised plans of 10-15-24 which does not increase the setback. Passed 7-0.**

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87 **8. NEW BUSINESS**

88 A. Cannabis Regulation Ordinance background information

89 Administrator Moore stated that an ordinance regulating cannabis-related businesses needs to be in place  
90 by January 1, 2025. The City Council is in the process of developing an ordinance, and will refer an  
91 ordinance to the Planning Commission for a public hearing and recommendation at the December 2, 2024  
92 Planning Commission meeting. In order to enable the Planning Commission to be prepared for its review  
93 of the ordinance amendment, background information regarding cannabis business regulations is being  
94 provided for discussion, questions and feedback.

95 Discussion was held and the following is a summary:

- 96 • Consider a buffer zone for places of worship.
- 97 • The buffer zones may be too restrictive if they severely restrict the feasible locations for  
98 a cannabis retail business.
- 99 • A map showing the buffer zones overlaid on the VHS-C zone should be prepared
- 100 • In general, the regulations regarding cannabis retail sales should be similar to the  
101 regulations in place for liquor sales.
- 102 • The hours of operation for a cannabis retail business should be similar to the hours of  
103 operation for other retail sales businesses in the VHS-C zone. Do other retail businesses  
104 have hours of operation requirements in their CUPs?
- 105 • Greenhouses for commercial production are currently allowed in the Ag zone. Could  
106 this include the cultivation of Cannabis if statutory requirements are met?
- 107 • Nursery, retail sales of plants is currently allowed in the Ag zone with a CUP.

- 108 (How does this relate to a cannabis mezzo business that grows cannabis and sells  
109 cannabis and cannabis products at retail?)  
110 • Nursery, wholesale growing of plants is a permitted use in the Ag zone  
111 • Temporary cannabis events should be regulated similar to temporary liquor licenses.  
112 (Temporary liquor licenses can only be obtained by non-profit organizations.)  
113 • Because there is a time crunch to get the ordinance in place, focus on addressing the key elements  
114 at this time. The ordinance can be amended in the future  
115

116 **9. OLD BUSINESS -**

117 A. Short Term Rental Ordinance background information

118 Administrator Moorse stated that the City Council is in the process of reviewing and revising the short  
119 term home rental ordinance, and will refer an ordinance amendment to the Planning Commission for a  
120 public hearing and recommendation at the December 2, 2024 Planning Commission meeting. In order to  
121 enable the Planning Commission to be prepared for its review of the ordinance amendment, background  
122 information regarding the short term home rental ordinance and concerns regarding the ordinance was  
123 provided at its October 7, 2024 meeting. Since then, the Council discussed the Short Term Home Rental  
124 Ordinance at its October 28 work session, in an effort to narrow the focus of the ordinance amendment.  
125 Chair Kopitzke noted that the council would like to eliminate the class C.

126 Administrator Moorse stated class C would be permitted if it is already a commercial building in  
127 downtown. Has to be commercial building. A large part of the council is recommending prohibiting short  
128 term rentals outside of the downtown area.  
129

130 B. Update on City Council Actions

131 Council member Wroblewski provided a summary of the October 15, 2024 Council meeting.  
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133 **10. ADJOURN –**

134 **Motion/Second Doherty/Parker to adjourn. Passed 7-0.**

135 Meeting adjourned at 9:30 PM.  
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144 Respectfully submitted by:

145 \_\_\_\_\_  
146 JY

147 Julie Yoho, City Clerk  
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149

150 To be approved on

151 December 2, 2024 as (check one): Presented:           X           or Amended: \_\_\_\_\_  
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