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5 1. **CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 7:02 PM

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7 2. **PLEDGE OF ALLEGIANCE** – was recited.

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9 3. **ROLL CALL** – Present: Chair Barbara Ronningen, Roger Bowman, Sally Doherty, Kris Kopitzke, Lucia
10 Wroblewski, Mark Nelson, Jim Langan. A Quorum was present. Absent: Scott Patten (excused).

11
12 **ALSO IN ATTENDANCE** – City Council member Joe Richter, City Administrator Ron Moorse, City Clerk
13 Julie Yoho

14
15 4. **APPROVAL OF AGENDA** – Motion/Second: Bowman/Doherty To approve the agenda of the
16 November 2, 2017 Planning Commission meeting. passed 7-0-0

17
18 5. **APPROVAL OF MINUTES** –

19 A. October 2, 2017 Meeting Minutes – Line 109 “twp”; line 135 “Christian”; line 243 delete “not”.

20 **Motion/Second Nelson/Wroblewski** To approve minutes of October 2, 2017 as amended. Motion
21 passed 6-0-1. (Langan abstain due to absence)

22
23 6. **REPORTS AND PRESENTATIONS** – none

24
25 7. **PUBLIC HEARINGS** –

26 A. Charlie and Danielle Wamstad minor subdivision application at 1987 Manning Avenue and the 19 acre
27 parcel to the south with PID 18.028.20.22.0002.

28
29 Chair Ronningen opened the public hearing at 7:05 pm

30
31 Administrator Moorse stated that Charlie and Danielle Wamstad have applied for a minor subdivision to
32 divide the existing two parcels under their ownership - one at 1987 Manning Avenue and the other with
33 PID# 18.028.20.22.0002 - with a total of 39.44 acres, to create three parcels. One of the three parcels is
34 proposed to be 29.425 acres, and the other two parcels are each proposed to be 5 acres. Valley Creek runs
35 through two of the parcels. A survey showing the proposed new lots is attached. The proposed parcels
36 meet all requirements for a conforming lot, including the minimum 5-acre lot size, 2.5 acres of buildable
37 area, 300 feet of frontage on a public road and access directly onto a public road. The property owners
38 previously obtained a variance to allow a driveway to serve the large northerly parcel through an easement
39 to 22nd Street. This enabled the access to be moved away from the Manning Avenue/Valley Creek Road
40 intersection to eliminate a conflict point at that intersection.

41
42 No comments were received from the public

43 **Motion/Second Nelson/ Bowman** To close public hearing. Motion passed 7-0-0.

44 Public hearing closed 7:12pm

45
46 Nelson asked how the handout is different from what was mailed?

47 Administrator Moorse indicated the handout is updated to reflect scenic easements on slopes and other
48 easements required.

49 Bowman asked about the nature of Valley Creek through the area.

50 Surveyor, Landmark Surveying answered it is dry, the Watershed considers it an intermittent waterway.

51 Chair Ronningen asked about the exact acreage of the parcel and where the quarter section line is.

52 **Motion/Second Doherty / Wroblewski** To recommend approval of the Wamstad subdivision to the
53 City Council with findings and conditions as listed below. Motion passed 7-0-0.

54

55 **Findings**

- 56 1. The subject property is located in the Agricultural zone, as is all property surrounding it
57 2. The Agricultural zone allows residential use with five-acre minimum lot size and a density of
58 three lots per quarter-quarter section
59 3. The proposed subdivision meets all subdivision and density requirements

60
61 **Conditions**

- 62 1. Easements as required by the City Engineer shall be granted
63 2. All drainage and utility easements shall be subject to the review and approval of the City
64 Engineer.
65 3. All grading, drainage and erosion control issues shall be subject to review and approval by the City
66 Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
67 4. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance
68 with Section 12-1270 of the Subdivision Ordinance
69 5. When a new home is to be constructed on Parcel B or C, a permit for an individual septic system
70 to serve the new home shall be obtained from the Washington County Public Health Department
71 at the time of application for building permit for the new home, and all requirements of the
72 septic permit shall be met.
73 6. All driveways shall comply with Section 12-84 of the Zoning Ordinance and shall be subject to
74 review and approval by the City Engineer.

75
76
77 **B. Duane and Jennifer Lenander variance application at 12468 Meadow Bluff Trail**

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79 Chair Ronningen opened the public hearing at 7:25 pm

80
81 Administrator Moose summarized the application: Duane and Jennifer Lenander have applied for a
82 variance at 12468 Meadow Bluff Trail to allow a side yard setback of 30 feet for a pool and 32.6 feet for
83 a house vs. the required setback of 50 feet to enable the construction of their proposed house and pool on
84 the parcel. The parcel is located in the Cedar Bluff development, which is in the Agricultural zoning
85 district. All of the lots in the Cedar Bluff development are substandard, in that they are less than five
86 acres and have less than 300 feet of frontage on a public road. After the Cedar Bluff subdivision was
87 approved, the developer had requested that the side yard setback be reduced, due to the smaller size of
88 the lots, and due to the ordinance language that allowed exceptions to setback requirements for lots with
89 substandard size and/or width in the Rural Residential zoning district. The Council had indicated that
90 they would not provide a general reduction in the side yard setback, but would potentially consider a
91 variance for a particularly narrow lot on a case by case basis.

92
93 The lot at 12468 Meadow Bluff is 2.53 acres and has a width that ranges from 144 and 164 feet. The lot
94 is adjacent to a power line easement on its east side, which is where the variance is being requested.
95 The applicant is proposing a house and pool that are 32.6 feet and 30 feet from the east property line
96 respectively vs. the required 50 foot setback. (The survey incorrectly shows the pool at a 28.2 foot
97 setback. The pool is proposed to have a 30 foot setback.) The applicant has provided a narrative as well
98 as the Variance Questionnaire addressing the need for the variance and the variance criteria.

99
100 No comments were received from the public

101 **Motion/Second Doherty/Nelson To close public hearing. Motion passed 7-0-0.**

102 Public hearing closed at 7:26 pm

103
104 Wroblewski asked the applicant when property was purchased. (September)

105 Chair Ronningen pointed out that the commission is dealing with things that preceded the current members.

106 Doherty noted that the power line easement is unique.
107 Bowman expressed concern over setting a precedent for other areas of the city.
108 Kopitzke noted that with the power lines there, they won't encroach on any neighbors.
109 Chair Ronningen noted that the previous council allowed these lots
110 Wroblewski asked if there are minutes on the discussion regarding these narrow lots?
111 Administrator Moore answered that yes there are. At the time the developer asked for a blanket change
112 which was denied; city would look at on case by case basis. (2010 – 2011).
113 Chair Ronningen noted that with power line easement there is a buffer, there will not be another house
114 within the easement.
115 Doherty stated she has a hard time seeing a hardship. Applicant could design a different house that fits.
116 Langan stated this is a new purchase, applicant knew the setbacks, also doesn't see a hardship. Problem is
117 created by applicant in the way they orientated house.
118 Wroblewski stated that this whole development should not have been allowed. Does not want to set
119 precedent for future.
120 Nelson stated that the power line on the side adds to reasonableness of request.

121
122 **Motion/Second Kopitzke/Bowman To recommend the City Council approve the Lenander variance**
123 **request with findings noted below; with special and necessary factor being considered is that the lot**
124 **is adjacent to power lines. (findings number 1)**
125 **Friendly amendment: (Wroblewski) Lot was approved by previous city council. This is a unique**
126 **instance not applicable to further applications and shall not be considered precedent setting.**
127 **Friendly amendment: (Bowman) The lot has substandard dimensions and was originally approved**
128 **in a different environment, would not be approved today and should not be considered as precedent**
129 **setting.**
130 **Friendly amendment: (Nelson) It is the applicants responsibility to decide to live under the power**
131 **lines.**
132 **Friendly amendment: (Kopitzke) Add "PLCD Development".**
133 **Motion passed 4-3-0.**

134 **Findings**
135 1. The lot is adjacent to a power line that runs north/south on the east side of the lot and extends
136 150 feet to the east of the lot.
137 2. The subject property is located in the Agricultural zone, as is all property surrounding it
138 3. The Agricultural zone allows residential use with five-acre minimum lot size, 300 feet of
139 frontage on a public road and a 50 foot side yard setback.
140 4. The lot at 12468 Meadow Bluff Trail is 2.53 acres in size and has a width that ranges from 144
141 and 164 feet.
142 5. The proposed house and pool are 32.6 feet and 30 feet from the east property line respectively
143 vs. the required 50 feet.
144 6. The applicant is proposing a house measuring a total of 3,175 square feet.
145 7. While the zoning code includes an exception to allow a side yard setback of 10 feet for
146 substandard lots with a width less than 200 feet in the Rural Residential zone, the code does not
147 include this exception for lots in the Agricultural zone.

148
149 **Motion/Second Ronningen/Wroblewski To deny the Lenander variance request for the proposed**
150 **swimming pool. Motion passed 7-0-0.**

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152 **8. NEW BUSINESS – none**
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154 **9. OLD BUSINESS –**
155 **A. Comprehensive Plan Update process**
156 **1. Edits To-Date**

157 The Comprehensive Plan was reviewed, edits noted.

158

159 2. Expansion of the Solid Waste Plan (from NRGCC)

160

161

162 **B. Update on City Council Actions**

163 **1. Council highlights from the October 17, 2017 Council meeting.**

164 Council member Richter stated that the Carlson development was discussed, will be sent back to the
165 planning commission for further review.

166

167 Several planning commission members mentioned they would like to have City Engineers present at their
168 next meeting. Also would like the application for rezoning looked at first along with League of Minnesota
169 Cities rezoning rules.

170

171 **10. ADJOURN**

172 **Motion/Second Bowman/Nelson To adjourn. Motion passed 7-0-0.**

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174 Meeting adjourned at 9:12 pm.

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180 Respectfully submitted by:

181

182 JY

183 Julie Yoho, City Clerk

184

185

186 **To be approved on December 4, 2017 as (check one): Presented: X or Amended: _____**