
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, Sally Doherty, Christian Dawson, Justin Sykora. Scott Patten, Kris Kopitzke, Absent were Roger Bowman, James Langan, Kuchen Hale. A quorum was present.
ALSO IN ATTENDANCE – City Administrator Ron Moore, City Planner Claire Michelson, City Council member Annie Perkins for part of the meeting
4. **APPROVAL OF AGENDA** –
Chair Kopitzke suggested moving item 9c (Groundwater update) to 9a.
Motion/Second Parker/Doherty To approve the agenda for the November 7, 2022 Planning Commission meeting. All aye, Passed 6-0.
5. **APPROVAL OF MINUTES** –
Motion/Second Parker/Patten To approve the minutes of the October 3, 2022 Planning Commission meeting with change to punctuation. All aye, Passed 6-0.
6. **REPORTS AND PRESENTATIONS** – none
7. **PUBLIC HEARINGS**
 - A. Nickolas & Jennifer Tamburo Variance Application at 14648 57th Street South to Add an Addition to the Existing House.
Chair Kopitzke opened the hearing at 7:04 pm
Clair Michelson, City Planner, provided a summary of the application which is for a 7 foot variance from the required 50 foot side setback for the purpose of putting an addition on the west side of their house.
No public comments
Motion/Second Doherty/Parker to close public hearing. All aye, passed 6-0.
Public hearing closed at 7:06 pm
Parker stated that he visited the site and they don't seem to have another option.
Doherty stated they are doing minimal variance to support expansion of the home.
Motion/Second Doherty/Parker recommend approval to the council with findings and conditions listed by staff.
Kopitzke friendly amendment to eliminate two of the findings: strike #2 and also #4. (accepted)
All aye, Passed 6-0.
 - B. Susan and Charles Hipp Minor Subdivision at 1217 Indian Trail South for Lot line Rearrangement
Clair Michelson, City Planner, provided a summary of the application which is for a lot line rearrangement which does not create any additional lots.
Chair Kopitzke opened the public hearing at 7:13 pm
No public comments
Motion/Second Parker/Dawson to close public hearing. All aye, Passed 6-0.
Public hearing closed at 7:14 pm
Doherty asked about the location of the parcel that gives road access (runs along property line).
Patten asked about ownership of the parcels (one owner multiple parcels).
Charles Hipp, applicant, stated the larger parcel will be put into a conservation easement with MN Land Trust.
Motion/Second Sykora/Parker to recommend approval to the city council with staff findings and recommendations. All aye, passed 6-0.

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8. NEW BUSINESS –

A. Draft Amendment to the Solar Energy System Ordinance Regarding the Maximum Size of a Ground mounted Residential Solar Array

Administrator Moore provided a summary: The current solar energy ordinance allows a ground mounted residential solar array of up to 1,000 sq. ft. on lots up to 10 acres, if the array is fully screened from public roads and neighboring properties year-round. Residential solar arrays are also subject to statutory and/or public utility power generation restrictions, such as being limited to generating more than 120% of the documented amount of energy required by the residential property. In addition, the current Solar Energy Systems ordinance does not allow a solar array for a residential application to exceed 40kW (Kilowatts). Recently, a resident on a heavily treed 10-acre property requested a 3,000 sq. ft. ground-mounted solar array in order to meet the on-going energy needs of their single-family residential home. A majority of the Council indicated they would be open to considering an ordinance amendment that would allow a larger residential ground-mount solar array, subject to conditions such as full screening and limiting the array to a size that would not generate more than 120% of the documented amount of energy required by the residential property. The Council directed staff to provide a draft ordinance amendment to the Planning Commission for feedback.

Sykora recommended any ordinance changes be more flexible and scalable to deal with changes in technology.

Doherty stated the process to develop the original ordinance involved expert input on residential systems and also input from the public; was approximately five years ago.

Patten stated that residents primary concern was reflection, safety, and look.

Doherty would consider bringing experts back to get input.

Parker would like to know how the square footage aligns with the kilowatts.

Chair Kopitzke stated perhaps we don't need to have a kW restriction.

Doherty suggested getting information on battery storage systems, and finding out if other cities have language.

Additional comments as follows:

-The Planning Commission supported replacing the current square footage restrictions with an overall size limitation that allows an array of a size that provides up to 120% of the documented energy usage on the property, subject to statutory and/or public utility power generation restrictions.

-The Planning Commission also agreed to retain the 40kW overall capacity limitation, the generally agreed upon dividing line between residential and commercial systems, as a stop-gap to allow only residential systems vs. commercial systems.

-The Commission recommended checking back with the consultant who assisted with the original ordinance, or with other experts, regarding whether their recommendations have changed since then.

-The proposed ordinance language is based on a system that is connected to the power grid, rather than using battery storage. The Commission recommended checking with other cities regarding how they treat battery-based systems.

B. 2023 Meeting Schedule

Dates were reviewed and agreed on for 2023.

9. OLD BUSINESS -

A. Draft Language for a Comprehensive Plan Amendment Regarding Dwelling Units in Commercial Buildings in the VHS-C Zone.

Administrator Moore provided a summary: The City has received a request to allow two dwelling units in a commercial building in the VHS-C zone in the downtown Old Village area, vs. the currently allowed one dwelling unit. This request requires an amendment to the Comprehensive Plan, which currently allows only one dwelling unit in a commercial building. Both the Council and the Planning Commission

108 have indicated they are open to considering a Comprehensive Plan amendment to allow two dwelling
109 units.
110 Doherty suggested making the comp plan language less specific and let the ordinance can be more
111 specific.
112 Parker state that the building has to be predominantly commercial.
113 Sykora “and dwelling units”, remove specificity.
114 Dawson agreed the ordinance should be specific not the comp plan.
115 Patton stated the intention of the comp plan was to avoid high density housing.
116 Parker would not recommend allowing living spaces in the basement.
117 Draft language will be reviewed by the council at the next meeting.
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119 B. Ordinance Amendment Regarding Nature Center Definition

120 Administrator Moore provided the following summary: The Zoning Code includes “Nature Center” as an
121 allowed use with a conditional use permit, but does not include a definition of “Nature Center”. Staff
122 prepared a draft ordinance amendment with a proposed definition of Nature Center for review and
123 feedback by the Planning Commission and the Council.

124 The Planning Commission, at its October 3, 2022 meeting, held a public hearing regarding the ordinance
125 amendment regarding the definition of “Nature Center” and continued its consideration of the ordinance
126 amendment to its November 7, 2022 Meeting. The purpose of the continuation was to enable the City
127 Attorney to prepare language to address the Planning Commission’s concerns regarding the proposed
128 ordinance language that would require a Nature Center to operate as a non-commercial use. While this
129 language would allow a Nature Center to accept donations to support its operations, it would not allow a
130 Nature Center to charge fees for items such as merchandise, food, and special events.

131 The current revised ordinance amendment contains language provided by the City Attorney that
132 eliminates the language regarding “non-commercial”, and clarifies the ability to charge fees for items
133 such as merchandise, food, and special events.

134 **Motion/Second Patton/Parker to recommend the council consider this draft language and return it**
135 **to the planning commission for public hearing. All aye, passed 6-0.**
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137 C. Groundwater Protection (taken out of order)

138 Chair Kopitzke stated that the sub group met with the NRGC in October.
139 Sykora stated that they began by condensing columns and reviewing numbering.
140 Another work session meeting will be held in November.
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142 D. Update on City Council Actions – Council Highlights from the October 18, 2022 Council meeting
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145 10. ADJOURN

146 **Motion/Second Sykora/Parker To adjourn. All aye, Passed 6-0.**

147 Meeting adjourned at 8:30 pm.
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151 Respectfully submitted by:

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153 JY
154 Julie Yoho, City Clerk
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157 To be approved on December 5, 2022 as (check one): Presented: X or Amended: _____
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