

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, Scott Patten, Doug Parker, Roger Bowman, Justin Sykora,. Absent were Christian Dawson, Sally Doherty. James Langan joined later. A quorum was present.  
**ALSO IN ATTENDANCE** – Council member Wroblewski, City Administrator Ron Moore
3. **APPROVAL OF AGENDA** –  
Motion/Second Hale/Bowman To approve the agenda for the December 7, 2020 Planning Commission meeting. Roll call: all aye, Passed 6-0.
4. **APPROVAL OF MINUTES** –  
A. November 2, 2020 Meeting Minutes  
Motion/Second Parker/Sykora To approve minutes of the October 5, 2020 Planning Commission meeting. Roll call: all aye, Passed 5-0-1. (Patten abstain)
5. **REPORTS AND PRESENTATIONS** - None
6. **PUBLIC HEARINGS** –  
A. John and Kim Ziton Variance Application at 4102 River Road  
Chair Kopitzke opened the public hearing at 7:05 PM.  
Administrator Moore provided a summary of the application. The application is to replace current house with new house on property which would be located within 85 feet of centerline of River Road rather than 100 feet. The existing house meets the required 105 foot setback from River Road and the required 200 foot setback from the ordinary high water line of the St. Croix River. The proposed house met the required setback from the ordinary high water line, but did not meet the required setback from the centerline of River Road. The covered entrance area was setback 85.3 feet from the centerline of River Road and several bump-out areas in the main portion of the house were setback approximately 95 feet from the centerline of River Road, vs. the required 105 feet.  
Kim Ziton, applicant, explained that the front part of the new house will be closer to River Road than the current structure, primarily the front entrance.  
No other public comments were received.  
**Motion/Second Bowman/Sykora to close public hearing. Roll call: all aye, passed 6-0.**  
  
The public hearing was closed at 7:07 PM.  
(James Langan joined the meeting.)  
Administrator Moore stated that 3 comments were received prior to the meeting:  
Jan Woodfill, River Road, objects to new house being placed closer to River Road.  
Linda Tilton, 4201 River Road, concern over precedent being set. Also has concern about potential damage to their driveway across street during construction.  
Linda Johnson, River Road, requested that this variance be denied since other requests (including their own) have been denied in the past for moving closer to River Road.  
Bowman asked when property was purchased (this fall). Asked if there were variations of the design that would not need a variance.  
Kim Ziton replied this is the only design that met their needs for one-level living.  
Parker asked if they would cut back further into the bank? (no).  
Ziton stated that the existing well would be kept, the new house would connect to the city sewer system. The full house drawings will be completed after they get variance approval.  
Hale asked if a different design could be done without a variance?

56 Ziton explained that they need to rebuild the house, the current property is deteriorating. They have a large  
57 family and would like to have space.  
58 Chair Kopitzke stated that this is a very large house for this lot. This proposal is increasing the non-compliance,  
59 which has not been allowed in the past.  
60 Patten stated that this request does not meet the criteria for a variance (no hardship) and is too large for this  
61 location.  
62 Parker asked if the house location could be adjusted if a new well was used rather than trying to keep the old  
63 one.  
64 Bowman agreed that this is a hardship of the owners making, the rules have been in place for years. Also  
65 concerned over the precedent that would be set.  
66 Parker stated this would cause issues going forward.  
67 Hale stated that each property is unique, and for a variance, the hardship created by the property is considered.  
68 The hardship here is being created by the design of the proposed house.  
69 Sykora stated that the current proposal is excessive for the location.  
70 Langan stated that we need to establish if there is a hardship caused by the property. Does not appear to be  
71 present.  
72 Hale and Bowman agreed a hardship has not been established here.  
73 Further discussion was held, overall the commission did not feel that there is a hardship as required for a  
74 variance. The concerns with the design were regarding the extent of the encroachment of the front of the house  
75 into the required setback area from River Road. The applicants were advised that it could not recommend  
76 approval of the house as proposed. Some members of the Planning Commission further advised that they would  
77 be open to considering supporting a variance if the house was redesigned and relocated so that only a small  
78 portion of the entrance area encroached into the setback area.  
79 The applicants requested that the Planning Commission table its consideration of the variance application to its  
80 January 4 meeting to allow them to revise the house plan.  
81 The commission requested they include the floorplan, and the location of slopes over 12%, location of new  
82 footprint in relation to setbacks.  
83 **Motion/Second Kopitzke/Parker to table the Ziton variance request until next month. Roll call: all aye,**  
84 **passed 7-0.**

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86 **7. NEW BUSINESS –**  
87 A. Draft Ordinance Amendment Regarding Screening Requirements for Accessory Buildings on Lakefront  
88 and Streamfront Lots  
89 Administrator Moose provided background information on the draft ordinance language which covers  
90 screening requirements for accessory buildings on lakefront and streamfront lots located between the house  
91 and the public road. The council felt there should be more flexibility than what is required in the general  
92 ordinance, therefore this is the draft language for review.  
93 Patten stated he likes this plan, and likes having two rows of trees along with the escrow piece if this.  
94 Sykora stated that deciduous trees don't provide the same amount of coverage, so should be placed the same  
95 amount of space. If two rows, stagger the placement. Consult the forester for spacing recommendation.  
96 Parker asked if this applies to less than 5 acre lots? How does this work if a corner lot?  
97 Moose replied that this language replaces "g" in the existing ordinance. This is only for lakefront and  
98 streamfront lots.  
99 Kopitzke asked about River Road and a boathouse?  
100 Moose replied that wouldn't be allowed on River Road as it would be non-conforming.  
101 Kopitzke stated this allows for accessory building on lakefront lots if house is close to the lake.  
102 Bowman suggested language "growing period up to five years".  
103 Kopitzke asked who decides if less screening may be required?  
104 Moose replied the city engineers landscape person along with planning consultant and city administrator  
105 would review plan.  
106 Parker clarified language to maintain screening going forward beyond five years.  
107 Patten asked about a berm?

108 Moore replied a berm with trees could be acceptable.

109 Summary of feedback:

- 110 • Deciduous trees should be spaced at the same distance as coniferous trees
- 111 • Trees should be planted in staggered rows
- 112 • Clarify that 80% screening should be achieved within a growing period of up to five years
- 113 • Screening should be maintained at the 80% level for the life of the accessory building

114  
115 **8. OLD BUSINESS –**

116 A. Draft Ordinance Amendment Regarding an Open Space Preservation Subdivision Concept with Shared  
117 Driveways

118 Kopitzke stated that some of the required plan and subdivision language works against individual  
119 landowners who may want to have shared driveways. The ordinance should be shorter and just focus on  
120 the requirements and standards for shared driveways rather than forming a new type of subdivision.

121 Parker stated there should be a minimum frontage requirement.

122 Hale stated that at least one of the owners should have road frontage.

123 Kopitzke stated the frontage has to be a minimum number of feet to allow for a driveway.

124 Moore explained in the example there would be a combination of easements to allow for driveway.

125 Bowman stated that in cases like that, a variance could be granted.

126 Hale stated ideally it would nice to have the frontage, but could see examples where that may not be  
127 needed. If there is an existing agricultural driveway could that be used as a shared driveway? Is this a  
128 solution for land-locked parcels? Often land is divided and passed through inheritance resulting in land-  
129 locked lots.

130 Bowman stated they could buy an easement. The requirement of 300 feet of frontage has always been  
131 based on safety.

132 Hale asked if that could it be in the agreement?

133 Sykora depends on easement language. This all depends on spacing, how best to define that.

134 Hale asked if there are recommendations for standards for rural driveways?

135 Moore replied yes, the engineers have. Also based on sight lines. Our current driveway setback is 10'  
136 from property line.

137 Parker asked for clarification on the example, of how and where the driveways would be placed.

138 Moore stated two driveways would come out into cul de sac.

139 Bowman stated that this could be so variable, may need approval by engineer and not include in  
140 ordinance.

141 Hale if on a state highway, don't we need their approval?

142 Moore replied yes, if on state or county road need permit.

143 Parker stated he liked the items listed that should be included in the agreement between the owners.

144 Kopitzke suggested narrowing scope of language in items 1-3. Item 6, Shared driveways require  
145 conservation easement to prevent further subdivision. Suggest we define that the entire lot is under the  
146 easement.

147 Sykora stated he feels the minimum lot size should be smaller.

148 Bowman item a 6, add "third party acceptable to the city". Also should we require a pull-out area along  
149 driveways?

150 Kopitzke that is a problem for the landowners.

151 Sykora stated this is not a replacement for a PLCD. All building standards apply to these lots so extra  
152 language not necessary.

153 Moore asked if this could be allowed in both the RR and Ag zone? (Yes)

154 Parker asked about maintenance in relation to trees to allow for firetrucks. (would be in driveway  
155 agreement)

156 Summary of discussion: it was recommended that there should be significant frontage on a public road  
157 and there should be a safe distance between driveways where they meet the road. The location and design  
158 should be reviewed by the City Engineer.

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160 B. Update on City Council Actions  
161 Council member Wroblewski provided a summary of the November City Council meeting.  
162

163 **9. ADJOURN**  
164 **Motion/Second Sykora/Hale To adjourn. Roll call: all aye, Passed 7-0.**

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166 Meeting adjourned at 9:20 pm.

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168  
169 Respectfully submitted by:

170  
171 JY  
172 Julie Yoho, City Clerk

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175 To be approved on February 1, 2021 as (check one): Presented: \_\_\_\_\_ or Amended: X  
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