

Approved
08/03/23



REGULAR MEETING
PLANNING COMMISSION
July 6, 2023

Present: Chairperson Dresel, Commissioners Trivette, and Peterfeso

Absent: Nielsen, Carlson, Hawkinson and Weidell-LaBathe

Council Liaison: Council Member Meyer

Staff: Administrator Pechman and Associate Planner Nelson

1a. Roll Call

1b. Pledge of Allegiance

Chairperson Dresel proceeded to open the meeting at 6:30 p.m. The Pledge of Allegiance was recited.

AGENDA

Chairperson Dresel asked if there were any changes or additions to the agenda.

Commissioner Peterfeso made the motion to approve the agenda, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

CONSENT AGENDA

3a. Minutes of April 6 & 17, 2023

Action

Chairperson Dresel asked the commission if there were any changes or corrections on the minutes.

Commissioner Meyer made the motion to approve the minutes for April 6 & 17, 2023, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

COUNCIL LIAISON REPORT

Council Liaison Meyer stated the Council had met on Tuesday, June 27, 2023 they had updated the City Standard Plates, the city was now going to be 2 precincts, they accepted the retirement of Dawn Meredith, they held the first reading of ordinances chapter 30 & 31 for the public hearing to be held July 25, 2023. An deferral request of the road assessment was approved and they will be holding a Highway 8 Workshop on July 11, 2023 @ 6:00 pm.

COMMUNICATION

None.

PUBLIC HEARINGS: 6:35 P.M.

6a. 27355 Jonquil Drive – Variance

Action

Associate Planner Nelson stated Jacqueline & Jerome Waltman, owners of 27355 Jonquil Drive, PID 13.10996.00, have submitted a variance application for a proposed detached garage to encroach into the side yard setback and to exceed the permitted building height. The garage that was previously existing on the property burned in a fire earlier this year. The property is zoned Low/Medium Density Residential (R-2) it is also in the Shoreland Overlay District Zone. Detached garages are a permitted use in the zoning districts. The property is approximately 0.29 acres on Jonquil Drive. It is a nonconforming lot, per current ordinances it should be 20,000 square feet, it is about 13,000 square feet. It should also be 100 feet wide but is about 95 feet wide at the ordinary high water mark. The impervious with the shed is 19.3%. The impervious surface will not increase from what it was prior to the fire. The Waltman's are proposing to increase the height of the shed to add more storage rather than increase the footprint. The maximum height allowed is 13.7 feet and they would like to increase it to 23.7 feet but on the same foot print. All accessory structures combined are about 900 square feet, this meets the requirements of Zoning Chapter 6 Accessory Structures. Prior to the garage burning down the side yard setback was about 5' 6". State Statute 462.357, subd. 6 states that variances may be granted to a property when the applicant establishes that there are "practical difficulties". It must satisfy the statutory three-factor test for practical difficulties.

Chairperson Dresel opened the public hearing made the motion to open the public hearing, Commissioner Trivette seconded the motion, all in favor, all ayes, motion carried.

Steve Pangburn and his wife Julie of 27349 Jody Avenue stated this is would obstruct their view of the lake there is a heavy tree line there but with the future plans of Highway 8 he would like to separate his lot into 2 lots and build facing the lake view. Mr. Pangburn asked if they visited the site and was told they had. He said it does not meet all the setback which is 10 feet and 20 foot ROW and does not meet fire code.

Chairperson Dresel said the hope is someday to have sewer and water but it is expensive and might not be happening for a long time.

Jackie Waltman 27355 Jonquil Drive asked if they built a second level on their home wouldn't that also block the view.

Jerry Waltman stated they have a hardship because the garage burned down; Steven P. was at the fire. The property two lots over to the south exceeds the height and is taller than what they are asking for and there is one to the north which is taller also. They are looking at building at the same footprint just to build it higher now which is the variance.

Mr. Pangburn said he understands the hardship and they are asking for the second level will it be storage or will it be living space; and does it meet the setbacks 10 feet which is required.

Ryan Lynch 27265 Jonquil Drive said he is in favor of the variance; he is also a owner of an non-conforming lot.

Mark Swanson 27359 Jonquil Drive is the neighbor to the north and is in favor of the variance and has no issue.

Council Liaison/Commissioner Meyer made the motion to close the public hearing, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

Chairperson Dresel asked for discussion of the Planning Commission.

Commissioner Peterfeso said since it burnt down it can be rebuilt on the existing foundation.

Commissioner Trivette said the height of the building is not out of the ordinary for the area. The area is all non conforming and has been for a long time; the one thing which can't be permitted for use of the garage is living space.

Council Liaison/Commissioner Meyer said he does not know if the second condition for granting a variance can be met and is not favorable.

Mr. Waltman stated he said the house is 950 square feet and it is needed for an office/storage and they can have the 2nd bedroom back in the house. They do not have any more space for the garage because of the septic.

Chairperson Dresel said he feels he would like to see the second story; but being taller than the house is going to be unsightly.

Commissioner Trivette said there are many lots which are non conforming in the area; but he also understands the neighbors point of view for future development.

Chairperson Dresel said there is a pretty good tree line which he cannot see the lake in the summer.

Commissioner Peterseso stated he would like to see them be able to use their property.

Mr. Waltman asked how many buildings are they allowed on the property.

Council Liaison/Commissioner Meyer made the motion to approve the variance but without the height.

Administrator Pechman stated they do not need the variance to rebuild the garage.

Council Liaison/Commissioner Meyer made the motion to deny the variance, Commissioner Peterfeso seconded, all in favor, Meyer aye, Peterfeso aye, Dresel aye, Trivette nay, motion passes 3 to 1.

Administrator Pechman stated the recommendation will move on to the City Council on July 25, 2023.

6b. 10512 Liberty Lane – Conditional Use Permit (CUP)

Action

Associate Planner Nelson stated Dylan Rybak of Minnesota Built Chisago LLC has applied for a Conditional Use Permit (CUP) at the address 10512 Liberty Lane Chisago City, MN 55013 PID # 13.00019.20. He is requesting to expand the storage capacity at the property by adding portable storage units. The proposed units are white/grey in color with red doors but the colors can vary slightly. Shipping style containers are not being proposed. The unit's range in size from 10x10 to 10x20. The property obtained a CUP for outdoor storage in 1997. Resolution 97-08-05 Permitted the outdoor storage of items including boats, motors, and similar items. Conditions of the CUP included: #5 No outdoor storage of parts, and #6 The area will be kept neat and orderly in appearance. The property obtained a CUP for permanent mini storage structures in 2002. Resolution 02-07-02 to allow outdoor storage. Conditions of CUP included: #2 The outdoor storage is limited to the back 2/3 of the property. #3 The outdoor storage may only consist of the following: Campers, camp trailers, fifth wheel trailers, passenger cars, passenger trucks, utility trailers and boats. All items requiring licensing must be current.

Two buildings were constructed for mini storage. In 2006 a third building was added to the property. In 2016 a second story addition was added to the building in the center of the property. Sometime between 2016 and 2019 the previous owner installed 14 portable units that are grey with brown roofs and red doors and match the three main structures. They are 8'x12' and are in the back 2/3 of the property on the east side. The 14 units were installed without proper permitting. Dylan Rybak and Minnesota Built Chisago LLC purchased the property in 2022. There are 14 portable storage units that were installed in May 2023. They are white in color and have red doors and range in size from 10'x10' to 10'x20'. They're located from the front property line to the rear on the east and west sides. These 14 units were installed without proper permitting. The proposed CUP is consistent with the zoning ordinance as a conditional use. The property is zoned Light Industrial (LI). Any use recommended by the Planning Commission and approved by the City Council to be of the same general character as the permitted or conditionally permitted uses which will not impair the present or future use of surrounding properties are allowed with a conditional use permit.

Council Liaison/Commissioner Meyer made the motion to open the public hearing, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

Chairperson Dresel asked if anyone was wishing to speak on this hearing.

Council Liaison/Commissioner Meyer made the motion to close the hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Commissioner Meyer said he is not in favor, and no one is here to speak on the issue, he is in favor of denying the request.

Commissioner Trivette stated since the property was acquired, and the new owner knew these were added without a permit. The property is also very crowded and is hard to access.

Commissioner Peterfeso made the motion to deny the request, Commissioner Trivette seconded, all in favor, all ayes, motion carried. This will move on to the City Council on July 25, 2023.

6c. Chisago Lakes Car Condos – Final Plat

Action

Associate Planner Nelson stated Don Skelly of High Pointe Land LLC has submitted a final plat application to develop car condominiums called Chisago Lakes Car Condos at 29425 Karmel Ave. Chisago City, MN 55013 PID # 13.00075.00. He is requesting to develop and use the site as a six-building planned owner-occupied condominium storage facility. The property is in the Light Industrial (LI) district. Utilizing this site as a storage facility is allowed with the CUP that has been obtained. The property is currently being used for agricultural purposes. The City Council reviewed the Preliminary Plat for the Chisago Lakes Car Condos on March 28, 2023. City Engineer Goodman wanted to change staff recommended condition number four from a 20 foot trail easement to a drainage and utilities easement. Council voted to approve the Preliminary Plat with city staff recommended conditions and the change proposed by Engineer Goodman to condition number four. The property is zoned Light Industrial (LI). The development consists of 4.9 acres and is proposed to be a six-building planned owner-occupied condominium complex consisting of thirty three units and a club house in total. The proposed development does meet the requirements. City staff had recommends a 10-foot setback between structures, adjustment to be made to Lot 2 and Lot 3. The developer has adjusted the buildings so they are 17 feet apart. The property to the west on the southern half of 29425 Karmel Ave. is zoned light industrial but is being used as residential. City staff are recommending additional screening be provided along the Light Industrial property currently being used for residential purposes. Properties zoned for industrial use in the Shoreland Overlay district are permitted up to 70% impervious surface area for a site. Chisago Lakes Car Condos is proposing a 49.1% impervious site, meeting the requirement. A 20' drainage and utility easement is proposed along Karmel Ave to include a potential future trail or sidewalk. Staff is recommending approval of the final plat with the conditions.

Council Liaison/Commissioner Meyer made the motion to open the hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Chairperson Dresel asked for any comments on the final plat.

Steve Pangburn of 27349 Jody Avenue feels this is a good use of the property and asked if there would be any outdoor storage.

Don Skelly of High Pointe Land LLC explained what the building was going to be made of and had a sample of the material. He is working on the storm water ponding, and they will get through that. The units are owner owned but are not livable units. He has visited other units and they are great communities of people. There is one in Hugo which sold out before it hit the market.

Commissioner Trivette asked if the units were heated.

Mr. Skelly stated they are heated and have sewer and water connected. They are pole frame construction and it is the same company that built the ones in the Big Lake area. There will be a lot of landscaping which is not shown on the drawings very well. They are also putting in 12 parking spaces for when they might have events.

Council Liaison/Commissioner Meyer asked if it will be enclosed.

Mr. Skelly stated until the buildings are all completed the fence will be installed at that point.

Commissioner Peterfeso made the motion to close the public hearing, Council Liaison/Commissioner Meyer seconded, all in favor, all ayes, motion carried.

Council Liaison/Commissioner Meyer made the motion to approve with the city conditions, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

6d. ABDO Development – Preliminary Plat

Action

Associate Planner Nelson stated Abdo Marketing, representing owners of PID 13.0004.00, 13.00044.20 & 13.00045.02, has submitted a preliminary plat application to develop two commercial lots and a residential lot at the combined PIDs. The property is in the Highway Commercial (HC) district. The property is currently being used for agricultural purposes. The property is zoned Highway Commercial (HC). The development consists of 9 acres and is proposed to be a three-lot project for commercial and potentially residential use. The proposed development meets the requirements. No buildings are proposed at this time.

Council Liaison/Commissioner Meyer made the motion to open the public hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Larry Abdo has a cabin on Interlachen and lives in Minneapolis and can answer any questions.

Commissioner Trivette stated the plan seems pretty straight forward.

Council Liaison/Commissioner Meyer made the motion to close the public hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Council Liaison/Commissioner Meyer made the motion to approve the plat, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

6e. ABDO – Variance

Action

Associate Planner Nelson stated Abdo Marketing, representatives of PID 13.0004.00, 13.00044.20 & 13.00045.02, have submitted a variance application for a proposed plat requirement to provide a tree survey. They have proposed to defer the tree survey on Block 2 Lot 1 and to waive the tree survey on Block 1 Lots 1 & 2. The property is zoned Highway Commercial (HC). The proposed use is consistent with the Comprehensive Plan. The property is approximately 9 acres on between Highway 8 to the south and North Ave to the north. The west side of the property abuts a medium density residential area and to the east is commercial property.

Council Liaison/Commissioner Meyer made the motion to open the public hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Council Liaison/Commissioner Meyer made the motion to close the public hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Council Liaison/Commissioner Meyer said they had discussed this before and it does not make sense to not do the tree survey.

Chairperson Dresel said if they are moving forward it makes sense to just get the tree survey done now at this time and be done with it.

Commissioner Trivette said yes there are a lot of trees in these areas; deferring the back lot until a plan is ready to be developed.

Administrator Pechman stated the ordinance states a tree survey should be completed.

Commissioner Trivette stated yes then a survey should be completed for the property.

Commissioner Peterfeso made the motion to deny the variance for PID 13.0004.00, 13.00044.20 & 13.00045.02, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

6f. Shore Land Overlay District Ordinance Amendment

Action

Associate Planner Nelson stated City staff received a notice from the DNR to amend the Shoreland Overlay District Ordinance (SLOD) to include North Sunrise Pool and Sunrise River, both recently annexed into the city. Staff submitted a revised version of the Shoreland Overlay Ordinance to the DNR. City staff has received a conditional approval letter. If the new ordinances are adopted by the City Council, the DNR will be notified, and a final approval letter will be sent to the City.

Council Liaison/Commissioner Meyer made the motion to open the public hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Chairperson Dresel stated this was to regulate the newly annexed area into the city for the shoreland overlay district.

Council Liaison/Commissioner Meyer made the motion to close the public hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Council Liaison/Commissioner Meyer made the motion to approve the changes, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

NEW BUSINESS

7a. 8549 244th St. & Driveway Ordinance

Discussion

Associate Planner Nelson stated Katherine and Chad Heins of 8549 244th St. would like to discuss the driveway ordinance, specifically limitations regarding second access points from the right of way to private property. They would like feedback from the Planning Commission on the possibility of permitting secondary driveways.

Katherine Heins 8549 244th Street said they currently have one driveway and are looking at pouring concrete to another building and extend that to the road to make a U shape for the driveway. There are currently 3 other properties in the area which has these U type driveways; they do not have any curbing in there area. The property is 2 acres.

Commissioner Trivette said we would have to change the ordinance to allow something like this.

Chairperson Dresel said yes everyone would like to have to have 2 driveways; changing the ordinance would be a longer process than what they are looking at.

Administrator Pechman stated there was once a difference for the corner lot when 2 where allowed but this was removed from the ordinance. The concern was the 30 feet difference from the corner was viewed as being to close.

The Planning Commission will look at the ordinance and review it; possibly review at the next meeting.

UNFINISHED BUSINESS

8a. Zoning Discussion

Discussion

Associate Planner Nelson stated Chisago City will be required to adjust the Comprehensive Plan now that a portion of Lent Township has been annexed into Chisago City. City staff are working with Planners from Bolton & Menk to review the proposed zoning for new and existing properties within the city. Zoning code needs to be in line with the Comprehensive Plan. Staff believe it would be beneficial to review and discuss the zoning code, specifically residential zones. At the April 6th meeting the Planning Commission discussed several ideas that have been proposed. Staff has prepared a spreadsheet with current zoning ordinances and how they line up with the current comprehensive plan.

Items to note:

- Neighborhood Commercial zone is not present on the comprehensive plan.
- Public Semi Public- Open Space is parks areas
- R-1, R-2 and R-3 in zoning is inconsistent with Accessory Structure Ordinance – R-1 states 10' distance between all buildings on property. Accessory Structure Ordinance states 6' between accessory structures and 10' between an accessory structure and a primary residence.
- R-4 zoning ordinance rear yard setback is listed twice as 20' and 25' for non-riparian lots
- Impervious surface not listed for Central Business District (CDB) and Highway Commercial (HC) – needs to be consistent with Shoreland Overlay District. (SLOD) states 70% maximum.
- Discuss the requirements to complete design reviews for commercial and industrial zoned projects.
- High density requirements.

Administrator Pechman stated the DNR requirements are far less stringent.

Chairperson Dresel stated we want to grow our community but we have a lot of rural land currently in the city. Administrator Pechman stated we are going to be amending the comp plan and that will probably be happening at the August meeting. Bolten and Menk have done the preliminary zoning maps for the new area so far and the majority of the land is rural residential. They will be creating a visual for the commission to view at the next meeting and it is helpful to see what they currently are and what we will be zoning the property too.

Commissioner Trivette would like the new maps for his zoning book when they are ready.

Administrator Pechman stated the City Council is holding a workshop on July 11, 2023 @ 6:00 pm for the Highway 8 project.

Chairperson Dresel directed staff for the proposing amendments for changing the comprehensive plan and schedule the hearing.

ADJOURN

Commissioner Meyer made the motion to adjourn, Commissioner Peterfeso, all in favor, all ayes, motion carried.

*Respectively Submitted by:
Paula Oehme, Deputy Clerk*