

Approved
09/07/23



REGULAR MEETING
PLANNING COMMISSION
August 3, 2023

Present: Chairperson Dresel, Commissioners Trivette, Weidell-LaBathe and Peterfeso, Meyer

Absent: Nielsen, Carlson and Hawkinson

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 July 6, 2023

Action

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

Commissioner Weidell-LaBathe made the motion to approve the minutes for July 6, 2023, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

COUNCIL LIAISON REPORT

Council Member Meyer stated the Council had met on Tuesday, July 25, 2023 the addition to the mini storage area was denied, Chisago Lakes Car Condos – Final Plat, Lawrence Development, previously ABDO – Variance, Lawrence Development, previously ABDO Development – Preliminary Plat were approved with conditions, the Shore Land Overlay District Ordinance was amended, the speed limits on Wyoming Ave were approved, resolution 23-07-01 for the trails grant program, Public Works was approved for promotion for Tyler, a charitable gambling being held at the Uncommon Loon was approved, the 3rd precinct for voting was approved because of the Lent Township area annexed has a different commissioner representing them. They discussed the new cannabis law but will not address until the board of cannabis is established.

Administrator Pechman stated Commissioner Nielsen has resigned and the proposed special meeting for the 17th has been cancelled.

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 breezeway to connect their house to a proposed garage. A variance is required for the proposed breezeway and proposed attached garage as the house is non-conforming due to not meeting side yard setback requirements. The proposed breezeway and proposed attached garage would not encroach further into the side yard setbacks. The non-conforming 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. Breezeways and attached garages are a permitted use in the zoning districts. The property is guided low/medium density residential. The proposed use is consistent with the Comprehensive Plan. 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 surface area permitted is 25% maximum, the proposed impervious surface is 21%. The house currently does not meet side yard setbacks, it measures at 3'6" at the most encroaching point. Because the house does not meet setbacks a variance is required to expand the house, including a breezeway and proposed attached garage. The breezeway would meet required setbacks. The previous garage was setback 5'6". A variance is not required to rebuild the garage but to add onto it because it did not meet side yard setbacks. Mark Swanson of 27539 Jonquil Drive has no issues with the variance. The commission has received other handouts from others in favor of the variance prior to meeting which had not made it into the packet.

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

Chairperson Dresel asked for any comments on the variance from the public.

Karen Lovegren 27375 Jonquil Drive stated she lives 3 houses from the variance request. Ms. Lovegren stated it is kind of hard when you do not have a garage and she does not have an issue with them building there.

Elaine Guertin 27325 Jonquil Drive also does not have an issue with granting the variance.

James Guertin 27325 Jonquil Drive stated they had built here in 1991 and at that time was told he could have a garage underneath a building he wanted. Mr. Guertin does not have an issue with the granting of the variance.

Ryan Lynch of 27265 Jonquil Drive stated he would like to be on record that he is in favor of the variance.

Steve Pangburn 27349 Jody Avenue stated he lives directly across from the applicant. As he has stated before this is a non-conforming lot. The current owners of 27355 Jonquil Drive have owned the property for 4 to 5 years and should have been told or known about the property and its setbacks; the relator should have told them. If this was a planned project from their date of purchase they should have researched it. Most of those houses back there were built in the 1950's and most were set up as cabins. Today many of these are full time homes. The area was annexed in 2007. Where does it stop. He and his wife have drove around Big Green and Little

Green lake looking at other structures that have a secondary structure which is higher than the main house; there is none. 27375 does have one but it was built before the annexation and is a large lot with adequate setbacks. I enjoy my view of the lake as with everyone else. It says the lot is 13,000 square feet but the survey has it 10 feet smaller but he will not argue over that. Will 27355 Jonquil meet the MN Administrative rules 6120.3300 zoning provisions. Not only do they have setbacks problems but they do not meet State Statutes which is not a rule, but a law. They have multiple variances needed which is no fault of his but they purchased the property as is. Mr. Pangburn recommends that the Planning Commission table this until they can get better informed so they can get legal advise and make a prudent decision. As many of you know he knows personally that some of them are in the building trades and know what heights are and 23 feet is pretty high.

James Guertin 27325 Jonquil Drive stated if they have reviewed the area they can see there are about 4 in the area with second story additions.

Jerry Waltman stated he and his wife own the property 27355 Jonquil and a couple of things he would like to address. First off some false statements that were stated Jonquil is a private road and is maintained by the homeowners; not by the city. Part of the reason they might have issues with parking is it is a private road and it is treelined. He had recently seen Mr. Dresel drive down the road and knows he had seen some gravel he had installed to elevate parking issues. Most of Mr. Pangburn comments are directed to what might happen in the future. Mr. Waltman stated when they bought the property they had not had any intentions of expanding but they had a fire and need to rebuild. The fire was in March and they are still waiting to rebuild it is a very emotional thing. They had spent over \$5,000 to this point for the variance applications, surveys and plans. Carla Duellman 10196 Kismet Isle had been approved for a variance RES-22-07-01 to build a garage with 3 variances included, side yard setbacks, driveway setbacks and septic setback. Ms. Duellman has a non-conforming lot. Mr. Pangburn had also said that the property at 27325 Jonquil had to build a mudroom also to connect the existing cabin and the new structure. Mr. Waltman stated they have a hardship because they cannot expand outward because of the septic and the permeable surface. They need to have a garage and because of the fire and working with insurance it has taken time and now the variance; this happened in March. They were hoping to have this taken care of before winter. The property to the south slopes to them and when heavy rains and snow melt there sump pump can run continuously. They want to remedy this problem with rain gardens and mitigation. We are trying to be compliant as possible and are trying to do everything the right way. We would also like to address the fact that there is no lake view from Jody in the summer and very limited in the winter.

Mr. Pangburn asked for clarification of the road Jonquil Drive.

Chairperson Dresel asked the City Administrator Pechman what is the status of the road.

Administrator Pechman stated the road is platted a public road but privately maintained.

Mr. Pangburn stated just for clarification the road is platted and their property line does not go across the road it ends at there garage.

If its not a private road; why am I out putting 4.5 tons of rock on the road every spring why is the city not doing this.

Administrator Pechman stated they had a preliminary assessment of what it would be to complete the road and the consensus had been until water and sewer were extended it did not make sense to put this money into the road.

Mr. Pangburn stated his statement is not to deny but take the time and do the research and make the right decision if it fits the parameters.

Commissioner Peterfeso made the motion to close the public hearing, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

Commissioner Trivette stated he has been out to the property and also been in the construction industry for 46 years. Yes it may have purchased the property only a couple years ago but they also have the right to improve their property and due to a fire are in need of a new garage. They have done all the work to make this happen with creating a breeze way connecting the buildings. He sees no problem with granting the variance and it should be expedited.

Commissioner Weidell-LaBathe stated adding the breezy way makes perfect sense and has no problem with granting the variance.

Chairperson Dresel stated so they need the variance because it is a existing non-conforming lot and structure.

Associate Planner Nelson stated when we did the shoreland overlay ordinance if they wanted to expand in any direction including upward they would be needing a variance.

Commissioner Weidell-LaBathe stated they are not expanding the footprint and getting rid of a shed; she is in favor of the variance. She asked if they agreed with the 5 city conditions.

Mr. Waltman stated they do.

Commissioner Peterfeso made the motion to approve the variance with the 5 conditions, Commissioner Weidell-LaBathe seconded, all in favor, all ayes, motion carried.

Chairperson Dresel stated it will now move on to the council meeting on August 22, 2023.

6b. Lawrence Final Plat (previously named ABDO)

Action

Associate Planner Nelson stated Abdo Marketing, representing owners of PID 13.0004.00, 13.00044.20 & 13.00045.02, has submitted a final plat application to develop two commercial lots and an out lot at the combined PIDs. The property is in the Highway Commercial (HC) district. The property is currently being used for agricultural purposes. The subject property is guided Highway Commercial (HC) and High Density Residential on the 2021 Comprehensive Plan and the proposed lots would be consistent with zoning. A landscaping plan will still need to be submitted when building permits are. 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. Properties zoned for commercial use are permitted up to 70% impervious surface area for a site. Abdo has not submitted any building plans for review at this time. Any future building would require that impervious surface area requirements be met and any variation from the requirements must be approved by City Council through proper processes.

Commissioner Peterfeso made the motion to open the public hearing, Commissioner Weidell-LaBathe seconded, all in favor, all ayes, motion carried.

Chairperson Dresel asked for any comments or questions.

Frank Brodeen engineer with Widseth for Abdo Marketing thanked Associate Planner Nelson for the presentation and could answer any questions.

Commissioner Peterfeso made the motion to close the public hearing, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

Commissioner Trivette stated they have gone through this and it seems to be the same as discussed previously.

Commissioner Weidell-LaBathe made the motion to approve the final plat with the 9 conditions listed and adding the 10th conditions that the landscaping plan be submitted when applying for the building permit, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

6c. Zoning

Action

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 and Bolton & Menk planners have put together an updated Zoning Map and Future Land Use Map for consideration.

Harry with Bolten and Menk goes through the zoning of the annexed area and it will be remaining the same; we did discover a race track in the area and the zoning would be changing most suited for this type of activity. The other zoning is shown on the map, between Highway 8 and North Avenue and then along Old Towne Road larger tracts of land.

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

Jonathan Dodge said he was zoned agricultural and he is not any longer and is concerned about this if there is a catastrophic event such as a fire.

Chairperson Dresel stated it is his understanding that agricultural practices are allowed in all of our zoning districts.

Administrator Pechman stated if Jonathan has over 10 acres he is taxed as being agricultural. If as he had asked if a catastrophic events happened by Minnesota State Statues you can rebuild what was there if done within 180 days.

John Phillips 27822 Kent Court asked if the last portion is the land adjacent to Parmly.

Administrator Pechman stated it is. The city had designated in future plans the land as being park land but since we now have Ojiketa and it is within a small distance they are converting this back to residential zoning.

Mr. Phillips stated if that piece does develop they would like to have some input on it.

Steina Sopoci 10825 279th Street stated her driveway was across the street and when she moved in a couple years ago it had been an issue. She had inquired of her realtor as to who owned it and went to Parmly to asked what there plans were and no one had got back to her. She had wondered when this had come about because in 2019 there was no plans for it.

Administrator Pechman stated every property has to have a zoning designation if it is no longer being sought after for park land; it should be changed. The property owner has not requested a zoning change.

Jeremiah Yernberg 27970 Kent Avenue asked why the property cannot remain park/open space is there something that prevents this since Monarch has not formally requested the change.

Steina Sopoci 10825 279th Street stated she would like it to remain also they use it for walking space and they maintain it; not her personally but the surrounding neighbors. They all use it in the area and respect it if they see anything they pick it up. There are deer in there and butterflies, it is a beautiful piece of property.

Commissioner Weidell-LaBathe stated this is just a zoning designation it is not as if something is happening there.

Commissioner Trivette stated what he is understanding people just wanted it to remain the same until Monarch wants to request a change or goes to sell the property.

Autumn Cizinsky 27835 Kent Court if this were developed 279th and Kent Court are already busy with the entrance to Ojiketa by there and developing this property would increase the traffic more. There are wetlands, deer, fox, milkweed for the monarch butterfly. Lots of baseball field on the north of Parmly campus that LARA uses almost every night. It would just be a shame to have it change to residential not knowing if it would be townhomes, apartments, homes if there was a variance; we would lose our rustic feel that they have back in that area.

Commissioner Trivette stated once again he believes they want to see is the zoning to stay as park/open space and Monarch would have to go through the process of rezoning when the time comes.

Cininsky stated yes Leah had told her they had done soil samples a couple years ago and it was not suitable for building.

Administrator Pechman stated that is not correct; soil boring were done on Old Towne Road project area and they were inadequate for the twin homes.

Commissioner Weidell-LaBathe stated we can not make a decision by who owns the property we are looking at our comprehensive plan and zoning plan.

Christine Zoya 11057 282nd Street asked what and where parcel 13.00158.10 is located.

Administrator Pechman stated it is 13.00158.00 and that is the parcel Parmly allowed to be used for a ballfield.

Holly Maxwell 27950 Kent Avenue said from what she understands is the property was supposed to be changed from park/open space to residential to meet the comprehensive plan.

Jeremiah Yernberg 27970 Kent Avenue so if we rezone it as a medium residential and if they wanted to build an industrial park what is to stop them.

Chairperson Dresel stated they could apply for a variance at that time if the city viewed it as acceptable,

Jeremiah Yernberg 27970 Kent Avenue we moved up here 3 years ago from Blaine and were lucky enough to acquire property on the lake. They have since dove into the history of Chisago. He was told by the original owner son about the house and its history. He would like part of the comprehensive plan to hold onto the history also.

John Phillips 27822 Kent Court since the owners aren't here is it possible to table this until they could be contacted for what they want.

Commissioner Trivette said there is not benefit in delaying the adopting the comprehensive plan completed.

Christine Zoya 11057 282nd Street asked if the property could be rezoned to residential.

Chairperson Dresel asked if there was anything anyone had left to say on any other parcels.

Commissioner Weidell-LaBathe made the motion to close the public hearing, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

Administrator Pechman stated typically the R1 zoning was for lake lot properties.

Chairperson Dresel asked for discussion.

Commissioner Trivette said development is going to happen whether people want it or not but we need to adopt this plan for the city. There is a lot of work that goes into planning of these and we need to have this in place for the newly annexed properties.

Chairperson Dresel said we cannot control the property, we do not own it. There is a lot of passion for this parcel and the owners will know that.

Commissioner Weidell-LaBathe said she does not want to see it being high density or industrial.

Commissioner Weidell-LaBathe made the motion to approve the recommendations for the zoning in the memorandum, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Associate Planner Nelson stated this will go to the city council on 8/22/23.

NEW BUSINESS

7a. Brinks Concept Review

Discussion

Associate Planner Nelson stated Roger Brink and Nathan Brink, owners/managers of Brinks Market would like to have the Planning Commission review a concept for a proposed addition onto Brinks Market. The property is currently at its maximum impervious space and the Brink's would like feedback on how the building can be expanded and be in compliance with City and DNR ordinances. The proposal includes a 7,000 square foot addition with the adjustment of a sewer line and potential for parking space along North Ave.

Roger Brink stated they are need of space for future growth. They are looking at 5000 feet for store and 2000 for storage.

Commissioner Trivette asked is the plan would need a variance for this project. They have been part of the community for a long time and are an asset.

Jonathan Dodge asked if Mr. Brink could buy wetland rights for the impervious.

Chairperson Dresel stated he has heard of this and feels they should move forward.

Commissioner Weidell-LaBathe said whatever they can look at for landscaping to offset the impervious would be beneficial.

UNFINISHED BUSINESS

8a. Driveway Ordinance

Discussion

Associate Planner Nelson stated at the July 7th Planning Commission meeting residents requested feedback from the Planning Commission on the possibility of permitting secondary driveways. City staff has received inquiries about reducing the side yard setback of driveways from the current requirement of 5'. Public Works Superintendent Lind commented that increased driveways will increase a properties impervious surface area. Lot

size and width at the Right of Way should be taken into consideration. A consistent ordinance would be ideal to set precedent for future development.

Chairperson Dresel stated they would each need to be reviewed individually for compliance or any obstructions.

Commissioner Trivette stated yes they would have to look at sightlines especially on corners.

Commissioner Weidell-LaBathe stated she is not in favor of a second driveway.

Commissioner Trivette stated it would also depend on the size of the property.

The consensus of the Planning Commission was to look at the ordinance for possible changes.

ADJOURN

Chairperson Dresel made the motion to adjourn, Commissioner Trivette, all in favor, all ayes, motion carried.

*Respectively Submitted by:
Paula Oehme, Deputy Clerk*