

Approved
10/05/23



REGULAR MEETING
PLANNING COMMISSION
September 7, 2023

Present: Acting Chairperson Weidell-LaBathe, Commissioners Carlson, Meyer, Trivette, Hawkinson and Peterfeso

Absent: Chairperson Dresel

Staff: Administrator Pechman and Associate Planner Nelson

1a. Roll Call

1b. Pledge of Allegiance

Acting Chairperson Weidell-LaBathe proceeded to open the meeting at 6:30 p.m. The Pledge of Allegiance was recited.

AGENDA

Acting Chairperson Weidell-LaBathe asked if there were any changes or additions to the agenda.

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

CONSENT AGENDA

3a. Minutes of August 3, 2023

Action

Acting Chairperson Weidell-LaBathe asked the commission if there were any changes or corrections on the minutes. She wondered if Commission Nielsen should be not be on there.

Administrator Pechman stated the council had not accepted the resignation yet.

Commissioner Peterfeso made the motion to approve the minutes for August 3, 2023, Commissioner Carlson seconded, all in favor, all ayes, motion carried.

COUNCIL LIAISON REPORT

Council Member Meyer stated the Council had met on Tuesday, they accepted the resignation of Nielsen from the Planning Commission, approved the Jonquil Drive variance and the Final Plat for the Lawrance development and accepted the zoning changes and comprehensive maps.

COMMUNICATION

None.

PUBLIC HEARINGS: 6:35 P.M.

6a. Wallmark Lake Villas (Previously known as Nature View) Variance Action

Associate Planner Nelson stated Don Skelly, partner in High Point Land LLC, representative of PID 13.00465.45, has submitted a variance application for 9 of the 15 lots in the Nature View Plat to exceed the maximum allowable 25% impervious surface area and to be exempt from a portion of development fees. A variance is required for any residential lot that exceeds 25% impervious surface area in the Shoreland Overlay District. The variance application also requests to reduce the city fees including Water Area charges, Sanitary Sewer Area charges, Park Dedication and Trail charges from approximately \$64,765.00 to \$36,547.00. An unsigned draft of the development agreement for the City and Nature View had a total cost of \$36,547.00 however, that is not an accurate reflection of city fees. The resolution for the final plat was approved by council with correct amounts. The property is zoned Medium Density Residential (R-3) it is also in the Shoreland Overlay District Zone. Single family homes are a permitted use in the zoning districts. The property is guided medium density residential. The proposed use is consistent with the Comprehensive Plan. The plat was originally approved for basement homes with a small footprint. The proposed development would consist of larger homes to be built slab on grade. Staff is recommending approval of the variance request for impervious surface on proposed properties below with condition(s): L3, Blk 1 - 32.90%, L4, Blk 1 - 33.23%, L5, Blk 1 - 35.04%, L1, Blk 2 - 32.43%, L2, Blk 2 - 28.22%, L3, Blk 2 - 28.42%, L4, Blk 2 - 27.40%, L9, Blk 2 - 27.65%, L10, Blk 2 - 35.13%. All conditions in Resolution 20-05-01 and Resolution 20-05-02 be met. Resolutions to be signed and recorded. Staff is recommending denial of the request for discounted city fees.

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

Mike Chance 11260 Lake Pointe Drive and stated he would support not waiving the fees because in his view this would leave the taxes to be paid by other people. There taxes are already high enough. Mr. Chance stated he is ok with the variance as long as everyone gets the same access to variances should they need them.

Acting Chairperson Weidell-LaBathe asked if any one else had anything. Weidell-LaBathe asked Administrator Pechman if we had anybody online or Associate Planner Nelson if we had received any emailed comments.

Associate Planner Nelson stated they did not receive any correspondence and no one was online.

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

Acting Chairperson Weidell-LaBathe asked for discussion and stated as relating to the fees she is in agreement that city fees are not typically waived.

Commissioner Peterfeso stated as far as the variances he is ok and to get a slab in there would be better for them; and slab on grade building.

Acting Chairperson Weidell-LaBathe stated and the impervious is under the 25% but is at 23.1% which seems very reasonable.

Commissioner Trivette stated he is not in favor of the fees being waived also. But is in agreement with the variances being granted.

Acting Chairperson Weidell-LaBathe asked developer Don Skelly if he had seen the city recommendations and if he was ok with them.

Don Skelly stated there was a draft agreement which had listed the fees and I guess inaccurately. Both he and the past developer relied on these numbers which they had come to decisions and I guess that is our fault.

Commissioner Carlson stated she understand the one story homes and that is where the market is now, but the waiving of the fees is not fair to the taxpayers.

Commissioner Meyer made the motion to approve the variances but deny the request for the waiving of the fees with all the city conditions, Commissioner Hawkinson seconded, all in favor, all ayes, motion carried.

Acting Chairperson Weidell-LaBathe stated this will move forward to the city council meeting on September 26, 2023.

6b. Driveway Ordinance

Action

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'. At the August 3rd Planning Commission meeting commissioners reviewed comparable city driveway ordinances including Wyoming, Lindstrom, Forest Lake, Center City and Columbus. Discussion centered around the side yard setback and lot size minimums. Code Chapter 6.1 Site Size and Building Requirements Section G proposed amendments

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

Acting Chairperson Weidell-LaBathe asked for any comments on the proposed ordinance change.

Catherine Heins 8549 244th Street stated she feels this had started a couple months ago when they had wanted to add a driveway to their new out building and was told they could only have one driveway. It would provide a safer and easier access to the building with keeping the front yard ecstasically pleasing. Mrs. Heins had brought a photo of what she was describing in this individual case; she is in support of the ordinance change.

Ron Taylor 8517 244th Street stated he lives next door to the Heins and is also in favor of the ordinance change adding #10 so they can have a second driveway.

Associate Planner Nelson stated they had received 5 emails pertaining to this proposed change. One from Tyler Nash 8727 243rd Street is in favor of the changes, Andrea Nash 8727 243rd Street is also in favor, Jeremy F 8596 244th Street is in favor, Tom R 24415 Inwood Avenue N is also in favor, Catherine and Chad Hines 8549 are also in favor.

Mike Chance 11260 Lake Pointe Drive would like to know if this was not permitted to begin with this is the first he has heard of it.

Commissioner Trivette said it was not in the ordinances.

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

Acting Chairperson Weidell-LaBathe asked for any discussion.

Commissioner Trivette stated it makes sense to make the change and having it by a case by case basis.

Commissioner Meyer made the motion to approve the ordinance change, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

NEW BUSINESS

7a. Solar Concept Review

Discussion

Associate Planner Nelson stated Ice House Solar 1 LLC would like to have the Planning Commission review a concept for a proposed solar project at 8920 275th Street. The property has roughly 82 acres above the ordinary high water mark. The proposal is for 35 acres to be considered for a solar project.

Michael Kathgaurd with Sunrise Energy representing Ice House Solar One. He shows the concept plan and some of you are familiar with the property. The solar will be going to 5 megawatts in January next year from 1; the screening requirements make it difficult to make sure they are feasible. They are proposing a berm and would like to asked for some relief of the requirements and the 350 foot setback from the eastern side. There are only 2 possible sites in the city to develop these types of solar arrays.

Acting Chairperson Weidell-LaBathe stated she does not have any questions at this moment and is not totally opposed to the project. The solar that is there currently does not have sufficient screening she drives by it every day. There is not a lot this land can be used for with the power lines running through this area.

Commissioner Carlson stated true but she does want to see variances we created this ordinance to protect the areas surrounding these solar fields.

Commissioner Meyer stated he would like to see the berming where it needs to be and if something for berming of the other solar area can be provided; it would probably increase the likelihood of the commission approving. Commissioner Meyer stated since we had just pretty much implemented the ordinance it is going to be pretty tough to get a variance approved.

Acting Chairperson Weidell-LaBathe asked what sort of numbers are you looking at for the city getting allocations?

Mr. Kathgaurd stated he would have to look at that; we really have not done that in the past but we would work with the city.

The Planning Commission views the plan and asks some questions on berming and neighboring properties. They had not approved this area in the past but wanted some feed back about the 5 mega watt plan.

7b. Zoning Chpt. 6 Community Design – Bee keeping Ord.

Discussion

Kaylen Olinger of 10924 284th Street would like to have the Planning Commission review the current ordinance related to bee keeping. She has submitted a request is to decrease the acreage required to keep beehives on residential property so that lots 1 acre or less could have up to two beehives. Bees typically do not stay in the area they are because they forage for food.

Commissioner Meyer asked what acreage she currently has?

Olinger stated .4 acres.

Acting Chairperson Weidell-LaBathe stated she bee keeps but she does not have it at her property. She did not want to deal with the fly away barrier at her home. Honey Bees generally do not sting unless provoked; it's the wasps, hornets and ground bees.

Olinger stated yes the Honey Bees do not sting unless they are protecting their hive and it is being threatened.

Commissioner Carlson asked if there was a reason we do not allow them under 1 acre properties.

Administrator Pechman stated we had received the ordinance from Wyoming Township and had at that time let it the way it was; it looked like it meet our criteria.

Commissioner Hawkinson asked Olinger how many hives she was looking at adding to her property.

Olinger stated she would like to have two hives because only 50% of the bees will typically make it through winter and she would then have a second hive to start the other one up again.

Acting Chairperson Weidell-LaBathe stated she would not be opposed to changing the ordinance and well as Commissioner Carlson.

Commissioner Meyer said should we directed City Staff to look into changing the ordinance.

Acting Chairperson Weidell-LaBathe stated staff should look at some revisions to the ordinance and we can bring it back to the next meeting.

ADJOURN

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

*Respectively Submitted by:
Paula Oehme, Deputy Clerk*