



PLANNING COMMISSION MEETING MINUTES

March 28, 2016

7:00pm

1) Call to Order

Chair Heck and Vice Chair Sandholm were both absent. Consensus was to elect Molitor to conduct the meeting.

Interim Chair Molitor opened the meeting at 7:03 p.m.

In attendance: Commissioners – Peter Vickery, Michael Molitor, Sylvia Allen, Gary Pettis, and John Tschumperlin; Council Liaison Patricia Thoele; Staff: Associate Planner Nick Olson and City Clerk Kris Linnquist.

Absent: Chair Mark Heck and Vice Chair Lora Sandholm

a) Approval of Agenda

Motion by Vickery, seconded by Pettis to approve the agenda as presented.

Motion passed 5-0. Absent: Heck and Sandholm

b) Elect Chair and Vice Chair for 2016

Since two members of the board were absent, Molitor suggested to postpone the Elections of Chair and Vice Chair for 2016 to its next meeting.

Motion by Molitor, seconded by Vickery to table the elections of Chair and Vice Chair until the next Planning Commission Meeting

Motion passed 5-0. Absent: Heck and Sandholm

c) Approval of Minutes of February 22, 2016

Motion by Pettis, seconded by Molitor to approve the minutes from February 22, 2016 as presented.

Motion passed 5-0. Absent: Heck and Sandholm

2) Public Hearings:

a) **CONDITIONAL USE PERMIT AMENDMENT: Application from SAC Wireless-Agent for AT &T for a Conditional Use Permit amendment to add 3 new antennas, 3 new radios, a new surge protector, and associated cables on to the existing tower at 2900 Highland Road, AP- Zoning District, PID # 20-117-247-42-0001.**

Associate Planner Olson presented the staff report found in the Planning Commission packet dated March 28, 2016. Highlights included in the presentation were:

- The new equipment will be mounted in between existing antennas at the top of the tower, which is about 233 ft. above ground level.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- The subject property currently has an existing tower, four shelters, a generator, and two propane tanks on site.
- The existing tower is owned by West Central Minnesota Educational T.V. Company, Inc. and was allowed with a Conditional Use Permit (CUP) issued in 1989.
- Staff listed multiple CUP changes and amendments throughout the years.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff did not receive any comments for this application.
- Staff has made the following findings of fact:
 1. The proposed amendment does not change the use of the existing tower, therefore the factors relating to noise, glare, odor, electrical interference, vibration, dust, or other nuisances;
 2. The proposed upgrade should not have any added effect on surrounding property owners nor change the valuation, aesthetics and scenic views, land uses, character, or integrity of the neighborhood;
 3. The proposed amendment will remain consistent with the Comprehensive Plan;
 4. The proposed upgrade will enhance the data and call volume for the residents and workforce in the area, which should enhance governmental facilities and services in the area;
 5. There is not water or sanitary sewer for this site, therefore there will continue to be no impact on these services; and
 6. There are no sensitive environmental features located on the site and since there is no grading or earth moving associated with the proposed amendment, no off-site sensitive environmental features will be impacted.

Interim Chair Molitor opened the Public Hearing at 7:10 p.m. There was no one in the chambers to speak on the matter.

Interim Chair Molitor closed the Public Hearing at 7:10 p.m.

Pettis stated that he thought that under federal law, the Planning Commission could not deny this request.

Motion by Pettis, seconded by Tschumperlin to recommend that the City Council approve the Conditional Use Permit amendment to allow for equipment upgrades on the existing monopole at 2900 Highland Road subject to the conditions outlined in the Staff report in March 28, 2016 Planning Commission Packet. Motion passed 5-0. Absent: Heck and Sandholm

b) CONDITIONAL USE PERMIT: Application from James Inglis to construct a Ground-Mounted Solar Energy System at 1800 Retreat Circle, Agriculture (A) Zoning District, PID # 15-117-24-0002.

Associate Planner Olson presented the staff report found in the Planning Commission packet dated March 28, 2016. Highlights included in the

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

presentation were:

- Section 505.12 Subd.2 states that in certain zoning districts, a conditional use permit is required for solar energy systems.
- The subject property is located in the Agriculture (A) Zoning District which allows Ground-Mounted Solar Energy System with a CUP.
- Notices were sent to all property owners within 500 feet of the subject property. Staff did not receive any comments to this application.
- Staff has made the following findings of fact:
 1. The proposed Ground-Mounted Solar Energy System is allowed by Conditional Use Permit in the Agriculture (A) Zoning District;
 2. The proposed use does not have an effect upon the health, safety, and general welfare of the city regarding the factors of noise, glare, odor, electrical interferences, vibration, dust, or other nuisances;
 3. The proposed use does not pose any discernable fire or safety hazards;
 4. The proposed use does not change existing or anticipated traffic conditions or parking facilities on adjacent streets and land;
 5. The proposed use does not have an effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, or character and integrity of neighborhood;
 6. The proposed use does not have any added impact on governmental facilities or services, including roads, sanitary sewer, water , police or fire;
 7. The proposed use does not have an effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes, flood plains, or soils; and
 8. The request is consistent with the Minnetrista Comprehensive Plan.

Allen questioned where the system would be located on the property. Olson showed the location on the map where the system would be placed.

Vickery questioned if there were other buildings on the property. Olson stated there are none to date.

Interim Chair Molitor opened the Public Hearing at 7:17 p.m.

Brian Allen, All Energy Solar, 1642 Carroll Avenue, St. Paul - contractor for applicant, commented that the City should look at making the process for Ground-Mounted Solar Energy Systems a permitting process instead of going thru a Conditional Use Permit. He said it would be more time effective.

S. Allen asked how long it takes to set up a system. B. Allen stated not long, usually within a week's time.

Interim Chair Molitor closed the Public Hearing at 7:19 p.m.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Tschumperlin stated that he drove past the property and is in favor of the Conditional Use Permit.

Motion by Allen, seconded by Pettis to recommend to the City Council to approve the Conditional Use Permit to allow for the installation of a Ground-Mounted Solar Energy System on the property at 1800 Retreat Circle subject to the conditions outlined in the Staff report in the March 28, 2016 Planning Commission Packet.

Motion passed 5-0. Absent: Heck and Sandholm

- c) VARIANCE: Application from Craig Mader requesting a variance to the side yard setback requirement for the conversion of the existing home into an accessory building over 1,000 sq. ft. from the required 30 feet to a distance of 28.19 feet at 4885 North Arm Drive, Staged Development District (SDD) Zoning, PID # 01-117-24-41-0005.**

And

- d) CONDITIONAL USE PERMIT: Application from Craig Mader requesting a CUP to convert the existing home into an accessory building over 1,000 sq. ft. at 4885 North Arm Drive, Staged Development District (SDD) Zoning, PID # 01-117-24-41-0005.**

Associate Planner Olson presented the staff report found in the Planning Commission packet dated March 28, 2016. Highlights included in the presentation were:

- The applicant is requesting both a Variance and a Conditional Use Permit for the property located at 4885 North Arm Drive.
- The intent is to turn the existing house into an accessory building and build a new home on the subject property.
- The proposed accessory structure would be 1,989 sq. ft.
- The applicant wants to turn the structure into a woodshop.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff did receive an email with concerns, dated March 28, 2016 at 2:03 p.m. (Handed out at meeting)
- Staff has made the following findings of fact:
 1. Accessory structures over 1,000 sq. ft. are allowed in the Staged Development District (SDD) through Conditional Use Permit;
 2. Keeping the existing structure should not have any effect on the surrounding properties. Remodeling the existing structure to match should only improve the effect on surrounding properties;
 3. The land use of the Property is to remain Urban Reserve through at 2030 as designated by the comprehensive plan;
 4. Reusing the existing structure would have less of an impact on sensitive environmental features than demolishing the existing structure and replacing it with multiple, smaller accessory structure;
 5. The intent of the zoning ordinance is to prevent the

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- overcrowding of land and allowing one accessory structure over 1,000 sq. ft. in area would be less crowded than having multiple accessory structures that total the same square footage;
6. Keeping an existing structure over 1,000 sq. ft. in area is far more reasonable than demolishing said structure and building multiple structures under 1,000 sq. ft. that would not require a variance;
 7. The existing home that is to be converted into an accessory structure was not built by the applicant; and
 8. In the neighborhood that the Property is located, there are many other accessory structures that exceed the 1,000 sq. ft. threshold. Given that it is also an existing structure, changing it from a principle to accessory structure should not have any change to the character of the neighborhood.

Tschumperlin requested clarification on the side yard setback. Olson clarified the question.

Pettis questioned if the applicant is going to have a home business. Olson stated the applicant indicated that he would not and if one developed, a Conditional Use Permit would be required.

Molitor had questions on the Septic System setback. Olson stated that the septic system setback requirements are determined by the County and the permitting for the septic system is handled through Hennepin County. The City does require a copy of the permit during the Building Permit application process.

Interim Chair Molitor opened the Public Hearing for both the Variance and Conditional Use Permit at 7:37 p.m.

Craig Mader, Applicant, stated that the new Mound Septic System would blend in with the surroundings and that the new house would be placed over the top of the old septic system.

Interim Chair Molitor closed the Public Hearing for both the Variance and Conditional Use Permit at 7:39 p.m.

Motion by Vickery, seconded by Pettis to recommend to the Council to approve the Side Yard setback Variance from 30 feet to 28.19 feet on the property located at 4885 North Arm Drive, subject to the conditions outlined in the staff report in the March 28, 2016 Planning Commission Packet.

Motion passed 5-0. Absent: Heck and Sandholm

Motion by Molitor, seconded by Allen to recommend to the Council to approve to Conditional Use Permit to allow an accessory structure over 1,000 sq. ft. on the property located at 4885 North Arm Drive subject to the conditions outlined in the staff report in the March 28, 2016 Planning Commission Packet.

Motion passed 5-0. Absent: Heck and Sandholm

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

3) Informational Items:

a) **Staff Reports – Associate Planner Olson**

- Heck gave his verbal intent to resign. The City has not received the resignation in writing.
- Update for April meeting. There are 7 Public Hearings

b) **Council Reports – Patricia Thoele**

- Council overturned the Variance denial and approved the Variance for 5107 Minneapolis Avenue
- Commented that it is beneficial for both the Planning Commissioners and Councilmembers to do a drive by each location before making decisions on an application.
- Talked about revising the Ordinance for Riparian View Shed.
- Steering Committee for the 2040 Comprehensive Plan
- Pavement Management Plan
- Serenity Hill

4) Adjournment

Motion by Vickery, seconded by Pettis to adjourn the meeting at 8:05 p.m. Motion passed 5-0. Absent: Heck and Sandholm

Respectfully Submitted,

Kris Linquist
Kris Linquist, CMC
City Clerk

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.