

PLANNING COMMISSION MEETING AGENDA
February 22, 2010
7:00pm

1) Call to Order:

Chair Heck called the meeting to order at 7:00 p.m.

Roll Call:

Commission Members present: Chair Heck, Bob Pollmann, John Strandell, Guy Warner, Lora Sandholm, and Mike Stulberg.

Commission Members absent: John Watson with prior notice.

Staff present: Senior City Planner Breanne Rothstein, Assistant City Planner David Abel, Council Liaison Cheryl Fischer.

a) Approval of Agenda

b) Approval of Minutes – January 25, 2010

c)

Motion by Stulberg and second by Watson to approve the minutes from the January 25, 2010 Regular Planning Commission meeting as amended. Motion carried 6-0-0.

It was noted on page 4 to correct “form” to “from”.

2) Public Hearings:

a) VARIANCE – Application from Michael Sharratt representing David & Christine Bergmann for a lakeside setback variance from 75 feet to 48 feet and a side yard setback variance from 15 feet to 11.8 feet to add an addition onto the existing home at 3400 Kings Point Road, R-1 Zoning – PID 27-117-24-13-0007.

The applicants would be removing the existing deck and add the new porch in its place. This addition increases the vertical footprint of the home resulting in a 27 foot lakeside setback variance and a 3.2 foot side yard setback variance.

Able stated the applicants are seeking a lakeside setback variance from 75 feet to 48 feet and a side yard setback variance from 15 feet to 11.8 feet from Section 505.15 Subd. 2 the R-1 Residential Zoning District. Able presented the Variance Review dated 2-22-2010 and three options. Staff recommended option A.

Strandell questioned if there was a line of sight issue. Able did not feel the view would not be any different than it is now.

Mike Sharratt, (464 2nd street, Excelsior) architect, he stated they are not expanding the legal non-conforming. He stated the ridge of the proposed area is not any higher than the current roof line.

Chair Heck opened the public hearing at 7:13 p.m.
Hearing nothing, Chair Heck closed the public hearing at 7:13 p.m.

Motion by Stulberg and second by Strandell to recommend to City Council approval of the request for a 27-foot and 3.2-foot variance for the addition with staff recommendations and conditions. Motion carried 6-0-0.

3) Business Items:

a) Discuss Ordinance 365 – Amending Section 505.23 R-5 Residential Zoning District to provide bulk standards and update performance standards

Rothstein stated in November the City Council formally adopted the final comprehensive plan update, which is required to be completed and accepted by the Metropolitan Council. In state statute, once the Council adopts an update to its Comprehensive Plan, the city has nine months to bring its “official controls” into conformance with the Comprehensive Plan. This is the third ordinance in a series to achieve this goal.

The existing R-5 residential zoning district does not include any “bulk standards”. Rothstein presented the relationship to the comprehensive plan and summary of proposed ordinance and performance standards per the executive summary dated 2-22-10.

Staff stated they are seeking direction regarding:

- Open space requirements.
- Are private streets acceptable?
- Simple or detailed landscaping requirements.
- Should unit size be regulated?
- Should there be sidewalks or trails on both sides of public streets?
- Should there be increased impervious for mixed use?

It was noted the parcel in discussion is owned by two land owners.

Commission discussion:

- Open space requirements:
 - May limit ability to use the land for development.
 - Is there proximity to parks near that area?
 - Should there be a strict requirement on open land or take cash-in-lieu.

Stulberg felt the more that can be saved for a proposal to come in front of the Commission would be better than setting all the regulations now. Leave as much discretion to the city as possible.

If there are private streets there would need to be a homeowners association to take care of them.

Rothstein suggested an overall site impervious surface maximum. She can research this amount and bring it back next month. Strandell questioned if there has been a study done to know if the parks are being used. Mayor Fischer

stated the parks are being used by the residents. Rothstein stated Lisle Park would be adjacent to this parcel along with a park in St. Bonifacius which is adjacent to the Lisle Park.

Chair Heck stated it would be nice to have a park area for teenagers.

- Private Streets:

Rothstein stated there are some private streets in the city. They serve more as a driveway purpose. She feels there are adequate standards for private streets. Mayor Fischer stated private streets are not policed or plowed. She stated the Council is in favor of narrower streets instead of private streets. Rothstein stated an advantage of a private street is that it does not take up as much right-of-way, has less pavement, and they do not have to have the turnarounds. A maximum length of a private street could be required. Stulberg recommended 300 feet for a private road. Pollmann stated consideration for emergency needs to be considered for the streets. Stulberg stated a trail or sidewalk should be on both sides of the public streets and he feels there should be some kind of trail connection between the public street and private streets. It was noted even private streets have to have an area where a fire truck can turn around. Chair Heck recommended staff check with other cities and private streets. It was recommended to get input from Public Works and Public Safety on their suggestions for the length of private streets. It was recommended to also look at extra parking areas.

- Landscaping:

Stulberg did not feel berms were appropriate in all areas and recommended looking at the wording in the ordinance on berms. It was noted there is a tree preservation ordinance. Chair Heck recommended boulevard trees be a requirement; he feels it softens the area and is good for wildlife. Chair Heck felt berms should also be on a case by case basis.

Warner felt the landscaping needed to be detail and the developers followed-up on. Staff stated they could come up with a ratio. Stulberg recommended looking at buffering from internal and external, and he recommended boulevard trees for private streets. Pollmann suggested looking at a mixture of trees.

- Unit size:

Rothstein stated there is a minimum unit per general occupancy and senior occupancy. Rothstein stated the City Attorney has concern with the conversion of the transition from senior to non senior over time. Stulberg questioned what would happen if there was government assistance with the house because if there are funds given to someone to build a home, he felt there would need to be a minimum size. Rothstein felt what was proposed in the ordinance would be sufficient. It was recommended to maintain this square footage for senior housing. Pollmann suggested finding out what other cities do with their assisted living areas. Sandholm recommended assisted living instead of senior living. Rothstein stated she would check with the city attorney.

- Trails or sidewalks:

Chair Heck is not in favor of a woodchip trail and did not feel this should be substituted for a sidewalk. Stulberg recommended sidewalks on both sides of a public street. Chair Heck concurs. Warner recommended sidewalk on at least one side. Rothstein recommended a trail on one side and a sidewalk on the other. Discussion was held on trails being along the back side of the homes. The Commission is not in favor of all the homes facing the public streets. Rothstein felt the architectural standards proposed would address the monotonous look. The Commission concurred on trails/sidewalks on both sides of the streets. Pollmann suggested at least one side have a sidewalk.

- Increase impervious surface for mixed use:

Rothstein stated usually with commercial property 75% is impervious surface. She stated a site-plan would need to be reviewed. She stated the developer would have to do stormwater management.

Chair Heck stated he is in favor of case-by-case basis. Rothstein stated a site plan review could be required for any commercial use in this area.

- Acceptable uses:

Warner is not in favor of retail because of the close proximity to St. Bonifacius. Stulberg recommended some type of services (drycleaner, deli). It was recommended keeping this option open. Rothstein recommended medical building, bank, or something on a small scale. The Commission concurs on mixed use.

Chair Heck questioned the setback requirements. Rothstein stated the setback is from the development boundary not from the street.

Strandell recommended staff take another look at the Sound section in the ordinance. Warner questioned if there is a definition of a townhome in the ordinance somewhere. Rothstein stated she would make sure the definitions are up to date.

Warner stated he would send other changes via email to Rothstein.

b) Discuss Ordinance 356- Amending Section 505.45 Amending PUD Ordinance

Rothstein stated the PUD ordinance is in need of updates. She presented the updates in the executive summary dated 2/22/2010. She also stated a draft ordinance with the changes was available in the packet.

She stated the city received an \$18,000 grant to update the PUD. She stated the PUD ordinance should be updated to incorporate strong environmental values and should be more collaborative, and mutually beneficial. The PUD must be

updated per the comprehensive Plan to comply with Metropolitan Councils for LTSA.

Rothstein stated they are moving all subdivision related items to subdivision regulations; all references to PUD shall be in context of a rezoning; incorporating public values as generally defined in the Woodland Cove visioning session; areas of consideration for possible flexibility; process to include collaborative pre-application meeting and joint worksession; and other minor changes.

Rothstein stated the Commission would be looking at the subdivision regulations within a month or two.

Stulberg felt the applicant would need to prove the public values though a PUD it would need to be more than a regular development. Rothstein recommended a comparison between the ordinance and the PUD being proposed.

Commission recommended looking at subdivision 1 and the wording. Rothstein stated she could do this. Stulberg recommended removing the words “reserving the right to deny” out of subdivision 1.

Sandholm recommended removing the verbiage in subd. 6 (d): “in order to encourage a healthy and active lifestyle for all residents.” Look at wording in Subd. 6 (h). Specify 500.19. Park Commission should be added as a reviewer. Rothstein stated the rezoning does not need to go in front of Parks.

David Able left at 9:10 p.m.

c) Part II: Planning Commissioner Training

Rothstein gave credit to Mike Chandler, Martha Mason Semmes, Dale Lay, and David Ward for putting together this presentation for the National American Planning Association.

Planning as a Dynamic Process

Other driving forces that lead to a plan update:

- Rapid Growth
- Economic decline
- Local politics
- Incompatibility with local ordinances
- Desire for predictability and accountability in future development

Role differences between Commissioner and City Council member:

Commissioners

- Help set the local planning agenda
- Considered a political appointees
- Elected officials serve at the pleasure of the voters
- Commissioners can challenge status quo and not worry about backlash
- Elected officials should not be too far ahead
- May take longer to accomplish things as an elected official

Plan Implementation

Tools of planning changes:

- Recognition that comprehensive plan must be implemented
- Implementation schedules
- Match comprehensive plan vision, goals, and objectives with local zoning ordinance
- Incorporate accountability measures
- Measure impacts of comprehensive plan

Implementation Techniques

- Zoning Ordinance
 - Districts
 - PUD
 - Subdivision Regulations
 - Specialized Overlay Districts
- Parks, Trails, and Open Space Plan
 - Grants
 - Park Dedication Ordinance
- Capital Improvement Program
 - Infrastructure Planning (streets, sewer, water)

Measuring the impact of planning or the effect of implementation techniques

- Gauge plan effectiveness by:
 - Yearly resident survey
 - How much is used by staff, developers, and residents
- Facilitate plan implementation with:
 - Database of available land for employment
 - Workforce housing initiative

Chester County's method for measuring comprehensive plan's success

- Landscapes consists of 18 indicators
- Published annual report card
- Barometer of trends
- Compare current to original conditions
- Trend line of progress

The commission needs to determine the definition of 'rural' during the Comprehensive Plan. Stulberg stated the residents asked for rural character.

Engaging Citizens, Resolving Conflict, Forging Relationships

- Planning Commission working effectively with the public
 - Listen to testimony
 - Attend neighborhood meetings
 - Emphasize and enforce rules of order
 - Explain your reasoning
 - Use expert testimony
 - Encourage applicant to address concerns raised in the public hearing

Stulberg felt in a public hearing the Commission should refrain from having discussion amongst the commissioners before all the public comments have come forward. He also recommended the public hearing be held before any Commission discussion.

Techniques for working with developers:

Developers should:

- Use pre-application conferences with staff and Planning Commission
- Meet with surrounding neighbors
- Meet with council members
- Adhere to state's sunshine laws
- Commission's ethics guidelines

Ex Parte communications:

- From or on one side only
- Many states prohibit ex parte communication
- Petitioners cannot contact commissioners
- Meetings open to the public
- Gather information during commission sponsored worksession – an open forum.

Communication with advocacy groups:

- Encourage communication in writing
- Groups have a stake and influence
- Spokesperson should only speak for the group when there is consensus
- Neighborhood associations can be well organized and powerful.

Techniques used to develop a good relationship:

- Commission can prepare an annual report of activities, actions, and accomplishments.
- Meet regularly with the governing body.
- Have a member of the governing body serve on the planning commission.

Discussion was held on the road committee being put together to discuss the gravel road situation in Minnetrista. These meetings would include residents, staff, and professionals. The committee would put together a maintenance policy for the Council to review.

Handling heated controversies

- Clearly explain the rules of order
- Remind participants of the rules during controversy
- Encourage testimony limit of three minutes
- Threaten to or actually move item to last on the agenda
- Declare an individual out of order and ask him/her to sit down

Commission managing relationship with elected officials:

- Town council representative on the commission
- Council representative regularly updates the commission on council work
- Commission annual report
- City councilman attends meetings as a liaison
- Hold joint workshops

4) Informational Items:

a) Staff Reports

i) Conditional Use Permits

Rothstein passed out the 2009 MN State Statue 462.3595 Conditional Use Permit.

Rothstein discussed Subd. 3. Duration. Rothstein stated the City Attorney stated as long as conditions are met the CUP is valid even with the change of ownership. The CUP runs with the land. Rothstein stated if a use is acceptable now but not later than an interim use permit should be used. A legal non conforming use would end after 6 months of no use.

b) Council Reports

Mayor Fischer stated next month the Commissioners should come early for a tour of the new building. Come at 6:30 p.m.

Formal dedication of the new facility will be at Trista Day, May 15, 2010.

Finance department has received the CAFR award.

MCWD is changing rules.

Hunters Crest did try the ice rink this winter. It was not very successful. She feels the location is too isolated.

Mayor Fischer questioned if the R5 would be discussed as a collaborative track. Rothstein stated if the developer wanted a PUD then they would.

Warner questioned if anyone has come to the city for development. Rothstein stated home building has been slow. She stated there are more appraisers calling for zoning and the ordinance. She stated other than Woodland Cove there are no submittals on the horizon for development.

5) Adjournment

Motion by Strandell and second by Pollmann to adjourn. Motion carried 6-0-0. The meeting adjourned at 10:13 p.m.

Respectfully submitted,

Terri Haarstad
City Clerk