

**MINUTES
PLANNING COMMISSION MEETING
Minnetrista City Hall
January 25, 2010
7:00pm**

1) Call to Order

Heck called the meeting called to order at 7:00pm.

- a) Swear in Commissioners Stulberg & Pollmann
City Clerk Terri Haarstad swore in Robert Pollmann and Mike Stulberg.

Pollmann gave a history of his background. He has been involved with the U.S. Army since 1972. He spent time in the Army Reserve and worked primarily in the engineering branch. They were responsible for construction, mobility, counter mobility, building buildings, bridges and roads. He graduated from Aeronautical Engineering from the University of Minnesota. He was selected for General Officer in 2003 and was very involved in Texas. He went over to Iraq with an Engineer Brigade. He has worked all over the country. Work with infrastructure including water and sewage. He was the Commander out at Fort Snelling for three years. He has lived in Minnetrista for 13 years.

- b) Appoint 2010 Chair and Vice Chair

Motion by Warner and second by Watson to appoint Heck as Chair and Stulberg as Vice Chair. Motion carried 6-0-0.

Roll Call: Commission Members present: Mark Heck – Chair, Robert Pollmann, John Watson, John Strandell, Guy Warner and Mike Stulberg. Commission Members absent: Lora Sandholm. Others present: Senior City Planner Breanne Rothstein, Assistant City Planner David Abel, and Council Liaison Mayor Fischer. City Clerk Terri Haarstad was present for swearing in.

- c) Approval of Agenda

- d) Approval of Minutes – November 23, 2009

Motion by Warner and second by Stulberg to approve the meeting minutes from November 23, 2009 as presented. Motion carried 5-1-0 (Watson abstaining).

2) Public Hearings:

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

Abel stated the applicants are going to revise their plans and bring this back to the February meeting.

- b) **CODE TEXT AMENDMENT-** Consider Ordinance 378 to revise Section 505.49 Shoreland Overlay District to preserve lot width and lot standards in the overlay district subsequent to R-1 zoning changes.

Rothstein stated the proposed ordinance is a minor amendment to the shoreland Overlay District. She stated there was a desire to retain 23,000 square foot lots with 100 feet minimum lot width in the shoreland areas. Rothstein stated the lot widths are wanted because of dockage rights.

Warner questioned if the 100 ft. minimum width is at the OHW or the road. Rothstein stated it is measured from the OHW and the building setback line.

Chair Heck opened the public hearing at 7:25 p.m.
Hearing nothing, Chair Heck closed the public hearing at 7:25 p.m.

Motion by Strandell and second by Warner to recommend approval of Ordinance 378 to revise Section 505.49 Shoreland Overlay District to preserve lot width and lot standards in the overlay district subsequent to R-1 zoning changes. Motion carried 6-0-0.

3) Informational Items:

- a) **Schedule of meetings: 2010**
A calendar was available in the Planning Commissioner's packet.

- b) **Staff Reports**

- i) **Woodland Cove Update**
Rothstein stated the developers decided to wait another month to submit their information. The plan is to review this at the March meeting. There will be a Staff meeting with Woodland Cove on Wednesday and another resident meeting will be rescheduled.

Rothstein explained the initiative information she handed out.

Rothstein stated the Mayor attended the NW League and handed out literature from the City of Hannover with information regarding a development in their city. Discussion was held on the city's approach and other city's approach to a project manager.

Mayor Fischer stated they are still working on Game Farm Road. She stated four variances were needed and MNDOT's panel turned down three of them. She stated there are teams working on this issue. Discussion was held on options for Game Farm Road. There is a fee to go in front of the MNDOT's board; she is unsure if the city will go in front of them again. She stated MNDOT feels safety should be paramount. Warner questioned the cost savings over gravel and asphalt. Chair Heck stated there just isn't anything left to grade on Game Farm Road.

- c) **Council Reports**

Mayor Fischer stated the Commissioners should call Administrator Funk if they would like to walk through the new buildings.

4) Business Items:

a) Planning Commission Training Part

Rothstein gave a presentation on the principals of planning. Rothstein passed out Minnetrista's vision and mission statement. She stated there are technical memos available if any Commissioner is interested they can speak with Rothstein.

Basic purposes and principles of Planning:

- Maximize the benefits of new development.
- Minimize the drawbacks of new development.
- Sustain the community.
- Protect the environment.
- Provide adequate services and infrastructure.
- Coordinate among governmental entities.

Ideas from Staff and Commission:

- Slow, controlled growth.
- Maintenance of community goals.

Vision and planning principles:

- Vision describes community's direction
- Translate vision into action over time using comprehensive plan.
- Implementation policies and goals reflect the vision.

Discussion was held on watermain looping and a big watermain loop can be charged to the developer but the city needs to do the work. Discussion was held on sewer and water funds.

Planning:

- It is an integral part of municipal government.
- Impacts every aspect of local government.
- Includes everything from the budgeting process to the preparation of codes and ordinances.
- Involves the entire community.

The Planning commission

- Primary entity responsible for planning.
- Made up of volunteers.
- No professional planning background needed to serve.

- Resources available for assistance include staff, elected officials, the public, and consultants.

- Coordinate planning for consistency:
 - Within a jurisdiction
 - With other jurisdictions
 - With county and regional plans.

Stulberg stated traffic pattern studies would be helpful; how the road system would go through a development; what the land next to the development is zoned as. Warner would like to see the right-of-ways.

Roles by the planning commission:

- Advisory or recommending body.
- Final decision-making authority in some cities.
- Fact finding body.
- Initiator of planning studies and reports.

The comprehensive plan is a community's compass. It is designed to help residents chart a course to a mutually agreed-upon future. The comprehensive plan is a tool that can be used to foster change or effectively deal with unanticipated changes. Rothstein presented Minnetrista's 2030 Comprehensive Plan, Future Land Use and MUSA Staging.

What is the Comprehensive Plan and why is it important?

- Guides drafting and revision of codes and ordinances.
- Time sensitive over given time horizon.
- Must be monitored and may require revision.
- Includes maps, charts, and texts.

Legal Importance:

- Varies from state to state.
- Government may not be required to adopt local plan.
- State requirements for local planning make local comprehensive plans the preeminent land use regulatory document.
- Discussion on amount of discretion permitted in review.
 - o Comprehensive Plan is the foundation (more discretion)
 - o City Code Updates/Revision
 - o Rezoning Requests
 - o Subdivisions / Plats
 - o Site Plan / CUP
 - o Building Permit (less discretion)

Legal Importance of the Comprehensive Plan

- Courts determine how plans are to be interpreted.
- Care needed in preparing and writing a local plan to avoid unintended consequences.
- Courts may interpret vague provisions differently than intended.
- Be cautious with firm deadlines in the plan.

Legal Framework for the tools of planning:

- State enables statutes for local adoption of zoning, subdivision regulations, site review, and growth management.
- Provisions of the local comprehensive plan.
- Provisions of local implementing regulations.
- Federal restrictions (telecommunications act, RLUIPA).
- Federal and state constitutional limitations (due process, equal protection, First Amendment, etc.).

Chair Heck questioned if there is a certain area for churches or what the regulations are. Rothstein stated she would check on the regulation information.

- The most common tool used to implement the comprehensive plan is zoning.

Techniques of zoning:

- Conventional - lot-by-lot.
- Performance-Oriented – based on resources.
- Planned unit development.
- Traditional neighborhood development.
- Transit-oriented development.
- Transferable development rights.

- Planning commission has no authority to waive or modify zoning regulations.
- Must be able to provide relief.
- Zoning board of appeals or adjustment.

What is development review and its relationship to planning?

- Ensure that new development meets communities goals
- Two types of review, physical development and use
- Each jurisdiction has thresholds of authority to approve variations in physical standards and uses.
- Review involves the application of standards and is somewhat flexible.

CIP

- Timetable for acquiring public investments
- Includes public sewer, water and stormwater project; road improvements; and major equipment and machinery
- Consistent with comprehensive plan
- Improvements placed in priority order.

Ethical Framework

- Must operate fairly and openly to be effective
- Ethical framework includes:
 - o Understanding your role in municipal government
 - o Making known conflicts of interest
 - o Being fair to fellow members and the public (posing agenda and rules of conduct)

Conducting meetings:

- Make sure the public receives notice of the proceedings of the commission.
- Organize public interest items first on the agenda.
- Debrief after meetings.
- Develop a good record for decision.
- Avoid conflict of interest issues by avoiding outside contact.
- Open meeting law

Reaching and recording legally defensible decisions:

- Factual foundation very important.

- Challenging to achieve at times.
- Staff reports.
- Public and expert testimony.
- Findings of fact. (propose as recommendation)

Other Planning Commissioner Training programs and Products.

- The Commissioner
- Training Packages
- Planning Commissioner Website

Misc. Discussion

Chair Heck discussed dog licenses. It was noted Plymouth and St. Bonifacius do not require dog licenses. Mayor Fischer felt the main aspect of the license is to make sure the dog has its rabies vaccination. It was noted Minnetrista does enforce dog licensing.

Stulberg stated he would like to study conditional use permits and if they run with the applicant or the land. It was noted they run with the land. Mayor Fischer stated the City Attorney could also address this issue.

Stulberg stated he looked at another city's ordinance and their guest cottages stated anyone living there has to be age 62 or older.

5) Adjournment

Motion by Strandell and second by Warner to adjourn. The meeting adjourned at 9:30 p.m. Motion carried 6-0-0.

Respectfully Submitted,

Terri Haarstad
City Clerk