



PLANNING COMMISSION MEETING

MINUTES

October 22, 2018

7:00pm

1) Call to Order

Vice Chair Vickery opened the meeting at 7:00 p.m.

In attendance: Commissioners – Chair Lora Sandholm, Peter Vickery, Gary Pettis, Damian Young, Steve Livermore, Robert Rabin and Justin Forbrook; Council Liaison: Mayor Lisa Whalen; Staff: City Planner Nick Olson and City Clerk Kris Linquist.

Absent: None

a) Approval of Agenda

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

Motion passed 7-0. Absent: None

b) Approval of Minutes of September 24, 2018

Motion by Sandholm, seconded by Rabin to approve the minutes from September 24, 2018 as presented.

Motion passed 7-0. Absent: None

2) Public Hearings

a) **VARIANCE: Application from Bryan & Kristen Ophaug for an after-the-fact side yard setback variance at 5360 Eastview Avenue; R-1 Low Density Single-Family Residential Zoning District; PID# 12-117-24-24-0005.**

City Planner Olson presented the staff report found in the Planning Commission packet dated October 22, 2018.

Highlights include:

- The applicants are requesting an after-the-fact side yard setback variance to reduce the required setback for 7 feet to 6 feet on the north property line due to the use of incorrectly dimensioned architectural drawings during the construction of a home remodel. The Property previously received approval to reduce the required setback from 15 feet to 7 feet.
- Notices were sent to all property owners within 500 feet. Staff did receive one comment for a neighboring property owner. It is in the packet.
- Possible findings of fact are as follows:
 1. The requested variance is consistent with the purpose and intent of the city's zoning ordinances because the as built single family home is a proper use of the Property and was

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developed in a compatible manor to other properties in the neighborhood.

2. The requested variance is consistent with the city's comprehensive plan because the Property was developed a new single-family home which is use consistent with the current and future land use designation for the Property and the existing location does not impact neighboring views as the encroachment abuts the rear of an attached garage on the neighboring property.
3. The Applicant proposes to use the Property in a reasonable manner because the structure was constructed consistent with the previously granted variance approval. The use of the Property does not change as a result of the additional encroachment and remains a single family home, which is consistent with the zoning district of the Property. Fixing the encroachment would cause an undue burden on the Applicants and is less reasonable than allowing the home to remain as constructed.
4. The requested variance is the result of unique circumstances not created by the landowner because incorrectly dimensioned architectural drawings were used during construction. These drawings were not drawn by the Applicants and incorrect dimension was not labeled on the plan set. Since the Property is an existing nonconforming lot, previous variances were required which left no margin for error; and
5. The requested variance will not alter the character of the locality because the structure was built consistent with the plans submitted with the property line. The structure was found then to be consistent is size to many of the homes in the surrounding area. The one foot encroachment did not change the size of the building and encroachments into the side yard setbacks are common amongst neighboring homes in the area.

Vice Chair Vickery opened the public hearing at 7:05 p.m.

Jacob Steen, Larkin Hoffman (attorney for applicant), overviewed the challenges that the applicant faced with the project.

Bryan Ophaug, applicant, discussed the hardship this project has caused because of his relative, who is was the architect, error.

Vice Chair Vickery closed the public hearing at 7:12 p.m.

There was a brief discussion about error that occurred.

Motion by Livermore, seconded by Young to recommend the City Council approve the requested after-the-fact setback variance at 5360 Eastview Avenue based on the findings of fact in the staff report and subject to the following conditions:

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1. The Applicant shall grade the Property in accordance with the approved grading plan as reviewed on March 27, 2017 by the city engineer and submit a grading as built survey for review;
2. The grading as built survey shall be reviewed by the city engineer and must receive approval prior to issuance of a certificate of occupancy;
3. The Applicants are responsible for all fees incurred by the city in review of this application; and
4. The variance approval is valid for one year from the date of approval and will become void and expire unless all conditions of approval have been satisfied.

Motion passed 7-0. Absent: None

b) CONDITIONAL USE PERMIT AMENDMENT: Application from SMJ International c/o T-Mobile on behalf of the property owner Steel Peak, LLC for an amendment to an existing CUP at 4700 Merrywood Lane; R-1 Low Density Single-Family Residence Zoning District; PID# 35-117-24-44-0007.

City Planner Olson presented the staff report found in the Planning Commission packet dated October 22, 2018.

Highlights include:

- The Applicants have made a request to amend the Conditional Use Permit to allow for the installation of a natural gas generator with T-Mobile's lease area.
- T-Mobile is proposing to add 1 Generac 25kw natural gas generator to their existing equipment array.
- Steel Peak was granted permission to construct the monopole in 1999 by Res. No. 101-99. T-Mobile entered into a lease agreement with Steel Peak in 2004 to collocate at this tower site, and a conditional use permit was obtained by Res. No. 55-04
- Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has not received any comments from neighboring property owners regarding this request.
- Possible findings of facts are as follows:
 1. The Applicant has appropriately applied for an amendment to the conditional use permit as required by city code and previous approvals;
 2. The request is consistent with the Comprehensive Plan because it allows T-Mobile to help meet the City's infrastructure needs in the event of a power outage;
 3. The request is consistent with the current and future use of the Property; and
 4. The request does not pose any discernable fire or safety hazards, nuisances, negative impacts on environmental features, or require additional governmental services.

Vice Chair Vickery opened the public hearing at 7:24 p.m.

Alyssa Hauer, SMJ International, overviewed the type of generator that would be used at the site.

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Pettis inquired on the routine maintenance. Hauer stated that it would be done once a month for an hour.

Vice Chair Vickery closed the public hearing at 7:17 p.m.

There was discussion on the location and how it would not interfere with the neighborhood since it was located next to Highway 7.

Motion by Sandholm, seconded by Pettis to recommend the City Council approve the requested conditional use permit amendment to allow for the installation of a natural gas generator within T-Mobile's lease area on the property located at 4700 Merrywood Lane based on the findings of fact in the staff report and subject to the following conditions:

1. The new antennas and ground equipment shall be constructed in accordance with the approved building plans;
2. Changes or expansion of infrastructure on the site will require an additional amendment of the CUP. Minor changes in the number or configuration of antennae mounted on the monopole may be administratively approved by the City Planner, Zoning Administrator, or other duly authorized staff responsible for zoning administration and enforcement;
3. The Applicant must obtain all necessary permits and approvals from other applicable entities with jurisdiction over the Property prior to construction; and
4. The Applicant is responsible for all fees incurred by the City in review of this application.

Motion passed 7-0. Absent: None

3) Business Items

a) SITE PLAN REVIEW: Application from Paul Jorgenson of Park Place Storage Condominiums, Inc. for the construction of six (6) storage condominium buildings and associated infrastructure at 9200 Nike Road; I Planned Industrial Zoning District; PID# 18-117-24-43-0007.

City Planner Olson presented the staff report found in the Planning Packet dated October 22, 2018.

Highlights include:

- The Applicant is requesting a Site Plan Review for the construction of 6 storage condominium buildings and associated infrastructure.
- There is currently storage condominiums located on the property next door. The current uses are for storage purposes and the buildings are leased out at this time.
- The proposed project is to begin in Fall/Winter of 2018 with demolition of the current buildings and the construction of 6 buildings will begin in the Spring of 2019 with completion of the project by the Winter of 2021.
- The Project will look and operate the same way as the neighboring project at 9300 Nike Road. The project will operate as an association with the same bylaws as the existing site.
- Possible finding of facts are as follows:

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1. The proposed site plan substantially conforms with all applicable provisions of city code;
2. The proposed facilities conform with the Comprehensive Plan; and
3. The proposed improvements will not be detrimental to the health, safety, or welfare of the community.

Paul Jorgenson, Applicant – Park Place Storage Condominiums, overviewed the project.

There was discussion about the additional units and the need for restrooms in each unit.

There was discussion on drainage from the units. Further discussion was had regarding industrial and residential hardcover requirements.

Motion by Vickery, seconded by Forbrook to recommend the City Council approve the requested site plan based on the findings of fact outlined in the staff report subject to the following conditions:

1. The proposed buildings must be consistent with those found at 9200 Nike Road, which is also owned by the Applicant, in terms of exterior facades, finishes, and overall design;
2. The Applicant shall comply with all the requirements as outlined in the engineer's memorandum dated October 16, 2018 and supplemental storm water memorandum dated October 9, 2018. Revised plans must be reviewed and approved by the city engineer prior to any construction;
3. The Applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
4. The Applicant is responsible for all fees incurred by the City in review of this application;
5. The Applicant shall apply for a building permit for the first building within one year of the date of approval and all building permits for all proposed buildings shall be applied for before December 31, 2021 or the site plan approval will become void and expire;
6. The hardcover for the Property shall comply with the requirements of City Code; and
7. The Property shall be served by the appropriate utilities.

Motion passed 7-0. Absent: None

4) Informational Items

a) Staff Reports – City Planner – Nick Olson

- Update of BBQ
- Three Rivers Park update
- 108 year to date new home permits

b) Council Reports – Mayor Whalen

- Council Meeting November 13, 2018
- Elections
- WSB Engineer update
- Water Tower Discussion

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- Passed Preliminary Budget
- Halstead Drive Update
- Red Oak Development Update

5) Adjournment

Motion by Sandholm, seconded by Young to adjourn the meeting at 8:22 p.m.

Motion passed 7-0. Absent: None

Respectfully Submitted,

Kris Linquist

Kris Linquist, MMMC, CMC
City Clerk

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