

PLANNING AND ZONING COMMISSION MEETING – JUNE 12, 2018

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Kyle Nemeth on June 12, 2018, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Dean Daninger, Scott Hudson, Bert Koehler IV, Nick Loehlein, Jeff Sims, and Mary VanderLaan

Commissioners absent: None

Also present: Community Development Director Joe Janish
City Planner, Stephanie Hanson
Others

PLEDGE OF ALLEGIANCE.

APPROVAL OF MINUTES.

May 22, 2018, Regular Meeting

City Planner Hanson requested the following change to the regular meeting minutes:
Page 13, line 12, change contract to conflict

Commissioner Loehlein requested the following change to the regular minutes:
Page 4, line 12, change Departments to Department's

Commissioner VanderLaan requested the following changes to the regular minutes:
Page 2, line 5, change Jarvin to Jivaro
Page 3, line 40, change well to wells
Page 5, line 5, change then to than

Chairperson Nemeth requested the following changes to the regular minutes:
Page 2, line 45, add comma after the word review
Page 3, line 2, add comma after the word acres
Page 4, line 9, change notice to notices
Page 4, line 16, change reports to report
Page 4, line 26, '...as part of a preliminary plat.'

- Page 5, line 35, ‘...the entire proposed Phase 1 concept. The development purpose...’
- Page 5, line 39, change Martins to Martin’s
- Page 6, line 8, change us to use
- Page 6, line 9, change Martins to Martin’s
- Page 6, line 32, change Martins to Martin’s
- Page 7, line 1, ‘...inquired about the ~~quality of the~~ homeowner’s association...’
- Page 7, line 28, add comma after the word development
- Page 8, line 12, ‘Valley ~~View~~ Drive’
- Page 8, line 31, ‘...~~was shown~~ than originally shared...’
- Page 8, line 35, ‘...60-feet ~~of~~ right-of-way and this...’
- Page 9, line 5, ‘...a fire truck tried to make a turns on 168th Avenue...’
- Page 9, line 9, ‘...left the ~~dais~~ meeting at 9:24 p.m....’
- Page 9, line 23, change Martins to Martin’s
- Page 9, line 36, ‘Valley ~~View~~ Drive’
- Page 10, lines 17-18, change Martins to Martin’s
- Page 12, line 32, ‘Valley ~~View~~ Drive’

Motion by VanderLaan, seconded by Sims, to approve the minutes as revised. Motion carried on a 6-ayes, 0-nays, 1-present (Hudson), 0-absent vote.

CHANGE AUGUST 14, 2018, REGULAR MEETING DATE AND LOCATION.

City Planner Hanson explained that due to primaries being held on Tuesday, August 14, 2018, staff recommends rescheduling the meeting of Tuesday, August 14, to Wednesday, August 15. In addition, the City Council Chambers is scheduled to be remodeled so it is also recommended that the location of the August meeting be moved to the community room at the Anoka County Sheriff’s Office, 13301 Hanson Boulevard NW.

Motion by Daninger, seconded by Hudson, to reschedule the August 14, 2018, meeting to August 15, 2018, and change the location from the City Hall Council Chambers to community room at the Anoka County Sheriff’s Office, 13301 Hanson Boulevard NW. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

REORDER AGENDA.

Chairperson Nemeth indicated the agenda would be reordered to consider Item 6 prior to Item 5.

PUBLIC HEARING: Variance Request to reduce the required width at the front yard setback from 300 feet to 200 feet – 167th Avenue NW and Maniteau Blvd. NW.

Chairperson Nemeth stated since he knows a party to the applicant, he will recuse himself from commenting and voting on this item but will still direct the meeting.

City Planner Hanson noted the purpose of this item is to hold a public hearing and take input on a variance request for the properties located at 167th Avenue NW and Maniteau Boulevard NW to reduce the required width of the lots at the front yard setback to allow for a future lot split.

City Planner Hanson reviewed the proposed variance request with the Commission. The proposed variance requests are to reduce the required lot width at the front yard setback from 300 feet to 101 feet, 102 feet, and 110 feet for the purpose of subdividing the two properties into three lots. Per City Code, a property must have a 50-foot width at the street. She stated each of the lots would meet that requirement.

City Planner Hanson noted the existing two lots meet Code requirements for lot width, depth, and area. However, if the lots are further subdivided, each lot will require a variance for lot width at the front yard setback but will meet Code requirements of 50-foot lot width at the right-of-way. She presented an exhibit showing the proposed variance request and sizes of surrounding existing lots and proposed lots.

City Planner Hanson explained that as shown on the concept lot split plan, it will create a nonconforming landlocked property shown as Lot 4. At this time, the landowners are working on a possible conservation easement over the property. If the land trust does not obtain Lot 4, the property must be combined with the property to the north or an adjacent property as to not create a landlocked parcel. This item will be discussed between staff and the property owners.

City Planner Hanson presented the review criteria required for variance consideration, noting the Comprehensive Plan and other adopted plans, such as the Transportation Plan and City Codes, must be taken into consideration. She noted the staff report identifies Code sections that pertain to this type of land split.

City Planner Hanson stated the Comprehensive Plan describes goals, objectives, and policies that must be taken into consideration when the City is planning for the future of the community. She reviewed the Land Use goal which is to allow residential growth while maintaining the quality of natural resources and amenities. In this case, the landowners are currently working with a conservation agency to possibly place a conservation easement on Lot 4, the northernmost lot. The conservation easement would protect the resources and the property would be enhanced by planting native vegetation and restoring natural wetlands on the property. City Planner Hanson stated the lots within the Rum River development area must be a minimum of four acres and each of the proposed lots exceed the 4-acre minimum lot size so the density requirement is being met.

City Planner Hanson explained within the Transportation section, a goal is to enhance accessibility by providing an interconnected multi-use trail system and the proposed trail easement provides an accessible trail system that links residential neighborhoods and park areas. She explained when the land to the north developed, staff wanted a trail

connection at the end of Argon to connect neighborhoods. But, that connection was never made so staff sees the benefit of taking a trail easement through Lot 4 to link the park areas if the variances are approved.

City Planner Hanson stated a Parks & Open Space goal is to promote, protect, preserve, and enhance the City's natural and open space for the enjoyment of residents, protection of water and air quality, and the preservation of wildlife habitat. The proposed plan for a trail easement will provide passive recreational trails and allow public enjoyment of the natural area.

City Planner Hanson stated the Transportation Plan's goals mention providing multi-model, transportation options, and enhancing an accessible trail system. The proposed trail easement will link neighborhoods and parks.

City Planner Hanson stated the City Code has variance criteria as well and since this property is on the Rum River, City Code 13-5 Bluffland and Riverland Development, regulates development in order to protect and preserve the scenic, recreational, natural, historical, and scientific values of the Rum River consistent with Statutes and the Management Plan for the Rum River. Staff talked with Mr. Lein, the applicant, to discuss the variance criteria. City Planner Hanson stated the request would use the property in a reasonable manner, the lot width is met at public right-of-way, but variances are needed at the setback. She noted the photograph in the report shows the site is dense with vegetation and a lot of large trees.

City Planner Hanson stated another thing to consider is that there would be an additional building pad if the lot split moves forward. The view looking west will see a driveway but the building pad is in the back by the River due to the contours of the land, bluff line, and flood plain. When you look at the River view, the houses on the two lots closest to the road cannot be seen from the River. The house on Lot 2 may be able to be seen from the River.

With regard to the plight of the owner, City Planner Hanson noted it is due to circumstances unique to the property and not created by the landowner. She stated the landowners have been splitting off lots, some in the 1960s and 1970s, but Codes evolve over time so the lot size requirements have changed. The land has been in this family for seven generations.

City Planner Hanson addressed the density requirement on the River, noting all lots meet the 4-acre minimum, setbacks from neighboring structures will be great enough to maintain the rural character, and the houses will be buffered by the heavily vegetated area. The site is heavily wooded and a minimal number of trees would be removed for construction. These lots have more strict standards since they are on the River and no clear cutting is allowed except on the building pad. Trees smaller than 4 inches in diameter and underbrush can be cleared.

City Planner Hanson stated the variance is not going to increase the density, all have 4-acre minimums, it would be a residential development which is a permitted use in this area, and the additional building pad (Lot 2) will not alter the character of the neighborhood.

City Planner Hanson noted with the Comprehensive Plan and Transportation Plan, it is the goal to interconnect trails with parks and neighborhoods. She explained when Timber Rivers, the residential development to the north, was built the City recommended the connection of the two neighborhoods; however, that trail easement was never obtained.

City Planner Hanson stated for agency reviews, City Code 13-5 Bluffland and Riverland Development, regulates development along the Rum River in a manner consistent with Minnesota Statutes and the Management Plan for the Rum River. The City of Andover is the governing unit to administer the Code; however, does need to notify the Minnesota Department of Natural Resources (MnDNR) of land use requests on the Rum River. She stated she has notified the area hydrologist of this public hearing and provided the report. He had acknowledged receipt of the information but has not submitted comments.

City Planner Hanson described next steps if the variances are granted. The lot split will be completed administratively. The applicant will be required to submit grading plans, soil borings, tree preservation plan, and surveys. The survey must reflect trail location. A wetland delineation has been completed and is under review by the Lower Rum River Water Management Organization (LRRWMO). The applicant and City staff will continue to work together to ensure the goals of the Comprehensive Plan are met and the Commission, Council, and staff comments are satisfactorily addressed.

City Planner Hanson noted the meeting information includes a resident letter of support and a petition of support. Today staff received an e-mail which was provided to the commissioners, from one of the landowners that will become part of the public record.

City Planner Hanson stated the Planning and Zoning Commission is asked to hold a public hearing for the variance requests, compare the variance requests with the review criteria of City Code 12-14-7, and make a recommendation of approval or denial based on findings of fact to the City Council. She noted staff drafted resolutions with potential findings of fact the Commission may want to consider when recommending approval or denial of the variance requests. If the City Council approves the variance requests, then the applicant will work with staff to begin the process of the lot split.

Chairperson Nemeth asked if the Commissioners had questions of staff.

Commissioner Koehler questioned, if there is no conservancy easement, then the lot configuration is not known. City Planner Hanson explained the lots will absorb the easement and become a little bit bigger.

Commissioner VanderLaan referenced the memo from Public Works Director/City Engineer Berkowitz addressing ownership, maintenance, and development of the trail, noting it is considered an interior trail, not identified as a regional trail. She asked how the conservancy easement will be addressed when this property is developed. She stated the report talked about the land trust, an organization tapped to assist with the trail, and asked if it is federally or privately funded. Commissioner VanderLaan stated support for the trail and linkage it would provide but asked if it would result in the City holding property it does not have funds to develop or maintain.

City Planner Hanson explained this is a proposal from the landowners of the trail easement and those questions will be worked out with the City Council and property owner as to who will develop, own, and maintain the trail.

Commissioner Sims asked about the zoning of surrounding lots. City Planner Hanson displayed a zoning map and stated it is all Rural Residential. Commissioner Sims asked if .7 acre lots were the standard at the time it was developed. City Planner Hanson stated she does not know but now the lots range from 1.5 acres to 2 acres and others along the River are 4 acres.

Motion by Daninger, seconded by Sims, to open the public hearing at 7:37 p.m. Motion carried on a 6-ayes, 0-nays, 1-present (Nemeth), 0-absent vote.

Charles Lehn, 499 165th Avenue NW, stated he is representing his family in this request. He stated he is in the seventh-generation ownership with this property and represents part of 160 years of heritage on these properties, which goes back to their relatives who came from Ireland to find a better way of life. The owners now would like to relinquish ownership of some of their properties and are asking the Planning Commission to consider that their family has been there for quite some time and would like to retain portions of the property.

With regard to the Conservancy for Lot 4, Mr. Lehn explained that would be addressed by the owners who are negotiating with the Minnesota Land Trust. He noted the owners had started with five lots but they were nonconforming, so the request was reduced to four lots to meet the City's criteria and retain as much property as possible while selling three lots to obtain as much opportunity as possible. They have already taken steps with the delineation. With the trail, there have been questions whether the City would be interested in purchasing that piece of land but that did not occur. However, they are aware of the desire to connect the two neighborhoods and propose a 15-foot trail to connect the two neighborhoods. He stated the property owners request the Planning Commission recommend a veterans' memorial scenic river trail in special consideration of his grandfather, a WWII veteran, and his loving wife. Mr. Lehn stated the Minnesota Land Trust is very interested in this property and seeking other properties along the Rum River so he is in continuous discussion with them and will let them know of the decision tonight.

Mr. Lehn thanked City Planner Hanson for her assistance in getting to this point, noting the trail can also provide a community amenity that will last forever as they will dedicate the easement. But they are not in a position to develop the trail. He stated if approved, this would have to be brought forward to the Park & Recreation Commission, so it can be included in the Comp Plan that is currently being updated.

Commissioner Daninger stated he understands the cost of the trail and asked if the variance is not granted and two lots are conforming, would the property owners still dedicate the trail in honor of his grandfather, a WWII veteran. Mr. Lehn stated that has not yet been discussed with the owners, noting they are trying to maximize the benefits of the property.

Commissioner Daninger stated this property has been in the family for a long time and asked if the land with such rich history, is for sale to the family or will it be on the open market. Mr. Lehn stated the property has not yet been appraised so that will be considered in due time but to sell on the open market is one option.

Chairperson Nemeth invited the public to come forward to make comment.

John Sweigert, 16636 Maniteau Boulevard, stated he lives two doors down and asked if the variance is for a 200-foot lot width or 100-foot lot width. City Planner Hanson stated there was a typo in the letter and clarified it is three lots 100 feet at the front yard setback.

Mr. Sweigert stated he has resided there for 20 years and loves the rural area. Before, he lived in Champlin on the Mississippi River where there was a similar situation. However, Champlin had sewer and water so that area has now been redeveloped into 100-foot lots. Mr. Sweigert stated he had contacted the Met Council to ask when sewer would be coming to this property in Andover and was told 20 years, which has come and gone. He asked if the City is prepared if he or others also want to split their lot.

Frank Skubitz, 16648 Maniteau Boulevard NW, stated he lives to the south of the property under discussion. He stated they built their house, moved in 1983, and raised their family. They also purchased an additional pie-shaped lot in 2016 with an additional 100 feet of River frontage and large trees. Mr. Skubitz stated he purchased in this neighborhood because of the lifestyle it allows with nature, quietness, and easy access to roads to get to work. He stated when he saw the variance sign on the property, he wasn't sure why it was needed unless it was for two lots on Maniteau Boulevard. If that were the case, then he wouldn't be here tonight but then he got the notice and learned it was for three properties.

Mr. Skubitz stated he talked to a family member and two neighbors and found the property still met the de facto original standard of 200 feet of frontage on the road. He stated if that was the case, he doesn't have a problem with the variance. But, he talked with the City Planner on June 4 about the variance and frontage and on Wednesday, the City Planner gave him the frontage dimensions. Mr. Skubitz stated he has no issue with

the property being sold and not meeting the 300-foot standard and appreciates staggering the home locations but his question is three lots being jammed in with a variance, which is not appropriate with the neighborhood and sets a negative precedent with other lots in Andover where de facto standards are not being met. Mr. Skubitz stated he supported the trail as there are a lot of pedestrians in the neighborhood and it would be a nice tie into another neighborhood.

Barbara Anderson, 5421 165th Lane NW, Ramsey, stated her concern is the location of the future house closest to the River. She asked about the setback from the water as it is across from her house. She stated she has had her house for 30 years and loves the scenic waterway, deer, owls, and eagle nests in the location of the future house. Ms. Anderson stated it is not unusual for her to see 15 to 30 deer in the wintertime and she is concerned about losing the wildlife. Also, when using the river, she would like it to still appear very wild and not a view of houses. Ms. Anderson stated she keeps her land as scenic as possible with wildflowers. She asked how close the future house will be to the river.

City Planner Hanson stated she does not recall the distance, but it will meet the setbacks and that would be part of the lot split consideration.

Mr. Lehn stated it is 150 feet from the river.

Ms. Anderson stated she thought it was supposed to be 400 feet back and wants it as far back from the river as possible, so it stays as natural, wild, and beautiful as it is now. City Planner Hanson stated the location of the house would be decided by the owner and setbacks would be required to be met. She stated she will verify that distance and inform Ms. Anderson.

Mr. Lehn stated it is their intent to preserve as much nature as possible and the only trees anticipated to be cleared are for the building pad. That is also why they are working with the Minnesota Land Trust to create a conservancy. He stated the request for three lots is not unreasonable, so he hopes that is what the Planning Commission will consider.

John Sweigert, 16636 Maniteau Boulevard, stated he will withdraw his name from the petition because he thought it was for a 200-foot lot width.

Chairperson Nemeth again asked if there was additional public input. He acknowledged the e-mail received from Rosella (Russell) Baker, one of the current owners, in support of the variance requests that is part of the public record.

Motion by Daninger, seconded by VanderLaan, to close the public hearing at 8:00 p.m. Motion carried on a 6-ayes, 0-nays, 1-present (Nemeth), 0-absent vote.

Commissioner Daninger referenced the map and asked where the addresses are located for those who signed the petition, noting not many properties are adjacent to the variance

request. City Planner Hanson stated she spoke with the property owner across the street who supported the variance if the property is not clear cut.

Commissioner Koehler asked whether that neighborhood was aware the variance was for a 100 foot width. City Planner Hanson answered in the affirmative.

Commissioner Koehler stated the property owner can build a home currently on Lot 2 without any variances. City Planner Hanson confirmed that was correct. Commissioner Koehler noted whether or not the variances are approved, that house can be built. City Planner Hanson confirmed that Lots 1 and 3 both have building pads.

Commissioner Koehler asked if setbacks along the river change between Andover and Ramsey. City Planner Hanson stated they do not. Commissioner Koehler asked if no home in Ramsey would be closer to the river than this one can be placed. City Planner Hanson stated that is correct.

Commissioner Hudson asked if there are many properties that could meet the size criteria and be split into two lots with 100-foot setbacks. City Planner Hanson stated there are not, as most are at 1 acre and a 2.5 acre minimum is required in Rural Residential. Also, along the river you need 4 acres.

Commissioner VanderLaan stated it is noteworthy that 50 years ago in April, the Wild and Scenic River Act was passed by the national government to protect our riverways. Now, the Planning Commission has an example in front of them and a comment by Ramsey to protect the river. She noted there is a delineation line to protect the wildlife and waterway, which is federal law so a home cannot be built in that area. Commissioner VanderLaan stated a year later, the Shoreland rezoning stopped a lot of things and helped protect the river, noting the 4-acre requirement preserves wetlands, trees, and the desire of long-term residents to protect and preserve this property. Commissioner VanderLaan stated she supports the proposal as it is.

Commissioner Loehlein stated from his perspective, he is supportive of the variance as it maintains the 4 acres and does not violate intended density. He noted the unique nature of Maniteau Boulevard and 167th Avenue coming together in a point, which creates a challenge with the shape of the lot, so approval would not set a precedent. He stated not meeting the 300-foot lot width requirement is not a problem because what is seen from the road is the driveway.

Commissioner Koehler stated at the last meeting, the Planning Commission considered a similar issue for a Planned Urban Development where the main issue was the front setback being too small and the Commission voted against it based mainly on that issue. He noted the requested front setback in this application, when compared to the other properties along the same street, is about one-third smaller. Commissioner Koehler stated he wanted to raise a challenge by asking what is different about this setback being okay.

Commissioner Loehlein stated for him, this request does not alter the character of the neighbor and it is only at the end of the driveway where it could be seen. In addition, this request is for three lots as opposed to 30-some lots.

Commissioner Koehler stated he wrestles with Mr. Lehn's comment that he was here long before the City and while that does not mean the family has special or different rights than others, it should be noted and taken into account that they could have done this long ago before the City was incorporated, or the laws were enacted. He noted this is a hodgepodge neighborhood, but he thinks this proposal breaks up the front lot line along the street. But when you take the neighborhood at a larger scale, then it fits as it is a hodgepodge neighborhood. Commissioner Koehler stated at this point, he is undecided.

Commissioner Sims stated his concern is the fourth lot to the north and not knowing what will be happening with it at this time. He stated he would feel better voting on this once it is known what will happen or if it will be sold to the Minnesota Land Trust. If not sold, he asked if the Planning Commission would again see this request.

City Planner Hanson explained the approval resolution addresses what would have to happen with Lot 4. In addition, the two lots would not change if the Minnesota Land Trust does not take Lot 4. It would be absorbed by the other two lots. She stated either way, it will not come before the Planning Commission as it would be an administrative lot split.

Commissioner VanderLaan thanked Commissioner Koehler for the challenge and noted in retrospect, all were struggling to figure out the PUD at the last meeting. She stated it was not the setback she voted against but the density. She stated she looks at this density as being a large piece of land, but she does not want to see more lots in this area and the Planning Commission is only addressing the variance request to the setback at this time, not the trail issue. She stated the Planning Commission has to ask if it is or is not appropriate.

Mr. Lehn offered a clarification that if they worked with the Minnesota Land Trust, the property owner would retain ownership of Lot 4. They do not intend to sell the conservancy easement to the Minnesota Land Trust.

Commissioner Sims referenced Page 3 detailing City Code criteria to consider a variance requiring practical difficulties. He stated the applicant has indicated they want to get the most out of this opportunity, so he questioned whether that is a practical difficulty or if it is the pie-shape of the lot that creates the difficulty.

Commissioner Koehler stated he wrestles with the same question.

Commissioner Loehlein noted the draft resolution recommending approval of the variances contains findings of fact to support the approval. If the Planning Commission supports recommending denial, rationale would need to be added to that draft resolution.

Motion by Loehlein, seconded by VanderLaan, to recommend to the City Council approval of variance requests to reduce the required width at the front yard setback from 300 feet to 100 feet for the purpose of subdividing the two properties into three lots at 167th Avenue NW and Maniteau Boulevard NW. Motion failed on a 3-ayes (Loehlein, Hudson, VanderLaan), 3-nays (Daninger, Koehler, Sims), 1-present (Nemeth), 0-absent vote.

Commissioner Daninger stated he is very conservative and finds no reason for a variance when the property can remain as two lots. He found the variances are to create economic gain to get three lots. In addition, two lots would appease. He stated he had asked if the ownership would stay in the family but that had no bearing on his vote. He stated this is a large variance and even though it may look good, he will follow the rules.

Commissioner Koehler referenced the comment by Commissioner Sims asking about the rationale for the variance, which he finds is to sell three lots. He noted the two lots can still be built on and the conversancy can still be created. Commissioner Koehler stated if the request had been to cut the requirement by a couple feet, that would be okay, but this is a massive change. He does not see anything here but economic gain to sell three lots instead of two lots and the conversancy is not part of the variance consideration.

Chairperson Nemeth stated the Planning Commission is at an impasse and asked whether one member would need to change their position, or another motion presented.

Motion by Koehler, seconded by Sims, to recommend to the City Council denial of variance requests to reduce the required width at the front yard setback from 300 feet to 100 feet for the purpose of subdividing the two properties into three lots at 167th Avenue NW and Maniteau Boulevard NW, based on the following rationale:

1. The variances would alter the nature of the community as the properties to the left and right down the street are significantly wider at the front yard setback lines.
2. The variances would drastically alter community that values natural resources around it.
3. The variances would create more of an urban setting.

Commissioner Loehlein stated he will support this motion for denial as it moves the application forward to the City Council but is not necessarily in full agreement with the rationale stated by Commissioner Koehler.

Commissioner VanderLaan stated that's a sensible observation because if denied, it will go to the City Council, so they can discuss it and embrace the comprehensive ideas such as preservation of land and reducing the number of lots to two rather than three. She noted obviously, there are some other considerations and a strong economic

consideration, so she will change her vote in order to move it to City Council to resolve the application as the Planning Commission is only advisory.

Motion carried on a 5-ayes (Daninger, Koehler, Loehlein, Sims, VanderLaan), 1-nay (Hudson), 1-present (Nemeth), 0-absent vote.

City Planner Hanson stated this item would be before the Council at the July 17, 2018, City Council meeting.

PUBLIC HEARING: To consider City Code Amendments to Title 12, Accessory Structures.

Community Development Director Janish noted the purpose of this item is to hold a public hearing and take input on a potential modification to the City Code related to accessory structures (portable items) and sizes and make a recommendation to the City Council. He noted the Planning Commission considered this amendment in late 2017, and made a recommendation to the City Council. On November 14, 2017, the City Council tabled action and reviewed the proposal at several Work Sessions. During that review by City Council, staff was directed to clean up the ordinance language to make it easier to read, comprehend and allow architectural features compatible to principal structures in lieu of prohibiting steel exterior wall sheathing (i.e., pole sheds). Staff worked together to revise the draft ordinance, which was considered at the April 24, 2018, City Council Work Session. At that meeting, staff was directed to bring the draft ordinance through the adoption process.

Community Development Director Janish reviewed highlights of the revised ordinance that was rewritten for ease of understanding; ‘shipping and storage containers’ language was added to Temporary structures; architecturally compatible language is included; and language related to architectural standards for lots ‘less than 2.5 acres’ vs. ‘less than 3 acres’ has been modified. This change will allow for vertical steel siding on lots 2.5 acres or greater vs. the current 3 acres or greater. He referenced the map included in the meeting packet, noting it identifies the location where steel buildings could be built should the lot size be changed to 2.5 acres.

Community Development Director Janish noted staff has provided a full draft version and the original version of the ordinance instead of a redline copy. He stated staff recommends the Planning and Zoning Commission conduct a Public Hearing to review and discuss the proposed ordinance and consider a recommendation to the City Council.

Chairperson Nemeth asked whether the Commissioners had questions of staff.

Commissioner Sims asked if he needed to recuse himself since he owns a 2.5-acre lot. Community Development Director Janish stated he would not need to but if he felt conflicted, he could certainly abstain. Commissioner Koehler stated since Commissioner

Sims raised the issue, he would recommend Commissioner Sims abstain from this discussion.

Commissioner Sims stated he would recuse himself from this discussion and vote.

Motion by Koehler, seconded by Hudson, to open the public hearing at 8:37 p.m. Motion carried on a 6-ayes, 0-nays, 1-present (Sims), 0-absent vote.

There was no public input.

Motion by Hudson, seconded by Daninger, to close the public hearing at 8:37 p.m. Motion carried on a 6-ayes, 0-nays, 1-present (Sims), 0-absent vote.

Chairperson Nemeth stated he has a question about lots that are five acres and larger in residential districts other than R-4, noting the language indicates, ‘The maximum allowable area of accessory structures shall be limited only by the setbacks, maximum impervious land coverage requirements of this Code.’ Community Development Director Janish replied that reflects the current language as it is today.

Chairperson Nemeth noted if somebody had a 2,500 square foot house they could build a 10,000 square foot building. Community Development Director Janish stated or a potentially 20,000 square foot building. He stated staff did add some clarity to this section because the older version did not provide the limitations. He explained that typically when individuals on five acres come forward and ask for a 10,000 square foot shed, building department staff meet with them to determine what is occurring there as the average resident is not looking for a 10,000 square foot accessory structure unless for the potential of some type of business.

Chairperson Nemeth noted if the property is anything over 2.5 acres, you can construct a steel pole building. Community Development Director Janish confirmed that is correct.

Commissioner VanderLaan asked about building height if solar panels are added. Community Development Director Janish explained that as the ordinance is written, he would interpret that solar panels would not count into the height as it measures from the average ground level to half the height of the highest distance.

Commissioner Koehler stated he remembers a workshop many years ago on solar panels and there were separate restrictions on how far they could be off the roof surface as well as the angle of the panels so it may be regulated by a separate ordinance. City Planner Hanson stated that is correct.

Chairperson Nemeth raised the scenario of a house and garage with an addition onto the garage for two cars, one with a commercial height door. He asked which one is used to measure height. Community Development Director Janish stated it would be measured from the highest peak and the maximum height depends on the zoning district.

Commissioner Koehler asked if he knows of a property that meets that description. Chairperson Nemeth stated his neighbor's property is similar to what he described.

Commissioner VanderLaan stated she thinks this ordinance is needed and a compliment is in order for Commissioner Koehler as she recalls a discussion when a young man wanted a large building holding nine or ten cars, was going to stack cars with a lift, and wanted to fix cars. She recalled that Commissioner Koehler had tactfully said you cannot fix cars there for money, you have to do it free of charge, and as a result that request has not resurfaced. She stated this is not talking about buildings to fix cars or the use but construction of structures. Community Development Director Janish stated that is correct, it relates to the appearance of the building.

Motion by Daninger, seconded by Hudson, to recommend to the City Council approval of Code amendments to Title 12, Accessory Structures. Motion carried on a 5-ayes, 1-nay (Nemeth), 1-present (Sims), 0-absent vote.

OTHER BUSINESS.

City Planner Hanson provided an update on planning cases forwarded to the City Council and upcoming agenda items.

Chairperson Nemeth asked about FunFest and the opportunity to volunteer. Community Development Director Janish stated Fun Fest is July 14, 2018, and information will be e-mailed next week.

Commissioner Koehler asked whether there will be a second Planning Commission meeting in June. City Planner Hanson stated there are no regular agenda items, but a workshop meeting could be held to review another section of the Comp Plan.

ADJOURNMENT.

Motion by Loehlein, seconded by Koehler, to adjourn the meeting at 8:52 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Respectfully Submitted,

Carla Wirth, Recording Secretary
TimeSaver Off Site Secretarial, Inc.