

CALL TO ORDER: Chairman Carlson called the meeting to order at 7:00 p.m.

PRESENT: Chairman Kent Carlson and Commissioners Barbarajean Brandt, Brandon Gustafson, Gen McJilton and Pete Onstad

ABSENT: Commissioners Scott Hemink and John McGary, Council Liaison Darel Gustafson

OTHERS PRESENT: Zoning Coordinator Gus Karpas

MINUTES OF July 16th and August 20th, 2013

There was a lack of quorum for approval of the July 16th minutes. The Commission agreed to continue action on the minutes of July 16, 2013 to the October 15th meeting.

There was a lack of quorum for approval of the August 20, 2013 minutes. The Commission agreed to continue action on the minutes of August 20, 2013 to the October 15th meeting.

PUBLIC HEARINGS

Subdivision/Combination request - John Haugen 4205 Chimo East – John Haugen is requesting to subdivide nine hundred and forty-nine (949) square feet from 4235 Chimo East and attach it to his property located at 4205 Chimo East. The properties would remain in compliance with all zoning regulations if the request is approved.

Zoning Coordinator Karpas summarized the request stating that Mr. Haugen reached an agreement with his neighbor to subdivide nine hundred and forty nine (949) square feet from his property located at 4235 Chimo East and would like the city to grant approval for a subdivision/combination to permit him to attach it to his property located at 4205 Chimo East. Mr. Haugen would like to relocate his driveway and his desired configuration would require an easement over Mr. Hager's property, which he does not support due to potential liability concerns.

Both lots currently comply with all applicable dimensional zoning regulations including; setbacks, lot area and impervious surface area and will continue to do so if the subdivision/combination is approved.

Chairman Carlson opened the public hearing. Hearing no public comment, the hearing was closed. Carlson asked for Commissioner input.

The Commission was in favor of the request.

Commissioner Hemink moved the Planning Commission recommend the council accept the recommendation of staff and approve the subdivision/combination request of John Haugen and Ken Hager to subdivide nine hundred and forty nine square feet from 4235 Chimo East and attach it to 4205 Chimo East as presented.

- (a) The proposal does not impact the integrity of either lot from a zoning perspective and will maintain the essential character of the neighborhood.

Commissioner McGary seconded. The motion carried 5-0.

Variance request - Rich Hall and Corinne Shanahan, 20335 Summerville Road - variance to exceed the maximum permitted impervious surface area for the construction of a new single family home.

Section 1350.06(2)(a) of the Shoreland Ordinance permits a maximum impervious surface area of 25%. The proposed impervious surface area on the property would be 37.9%. A variance to exceed the maximum impervious surface area by 11.8% is sought.

Chairman Carlson opened the public hearing. Hearing no public comment, the hearing was closed. Carlson asked for Commissioner input.

Zoning Coordinator Karpas summarized the request. Rich Hall and Corrine Shanahan have made application for a variance to remove an existing non-conforming single family home, which currently encroaches into the required east and west side yard setback and exceeds the maximum permitted impervious surface area by 1.4% and construct a new single family home which comply with the all the required setbacks, but would exceed the twenty-five percent maximum permitted impervious surface area by 11.8%. He said he recommended approval of the request with no conditions.

Jon Monson of The Landschute Group represented the request. He said he's paid close attention to some of the new construction that has been in the Cottagewood area and the discussion the city has had about maintaining proper scale. He said the applicants want to be good neighbors and the intent is the build a cottage that does not impact grade. The construction of the side loading garage preserves the existing grade but requires the need for excess impervious surface area. He said they have proposed the use of cistern to help mitigate the impact of the increase impervious surface percentage.

Commissioner Gustafson asked what happens to the water captured by the cistern. Mr. Monson said it would be drawn into the irrigation system. Gustafson asked what guidance was used for the size of the cistern. Mr. Monson said he used a 1" rain event which has been the standard used in the past by the City Engineer. Commissioner Onstad asked what the anticipated drawdown rate would be to empty the cistern. Mr. Monson said, based on the average sprinkler draw, about one day.

Chairman Carlson opened the public hearing.

Steve Woodbury, 20375 Summerville Road, was happy to see the existing home being replaced and was very supportive of the request as presented.

Joseph Haugslund, 4240 Northern Road, also strongly supports the request and likes the proposed design.

Marta Snow, 20355 Summerville Road, said she was pleased to see the cottage design next to her house. She understands the unique situation the applicant faces having had to design a home for her own property. She's supportive of the request.

Zoning Coordinator Karpas read emails from the Matz Family, 20495 Park Place and Lisa Wells, 4260 Water Street supporting the proposal.

Mark Grieger, 20345 Park Place said he reviewed the plans and supports the project. He said it's important to recognize that the cistern reduces the percentage of impervious surface and has the ability to be drawn down quickly. He feels the whole plan has been well thought out.

Hearing no public comment, the hearing was closed. Carlson asked for Commissioner input.

Commissioner Gustafson agrees with those who spoke in favor of the project about the improvement to the neighborhood and he recognizes what the city has accepted in the past as a solution to excess impervious surface, but he questions how that solution has been determined. He feels the Planning Commission is being asked to make a technical decision. He discussed some research he did on rainfall at Flying Cloud and can't be sure if a 1" rainfall measurement is an adequate measurement. He's not comfortable as presented, but would be more comfortable if the City Engineer reviewed the cistern and

was able to approve it design based on some industry standard. Commissioner Hemink said it's not the Planning Commission and City Council's job to make technical decisions that falls to the City Engineer. Gustafson said the Commission has to make decisions based on the application as submitted and the submitted information is not clear.

Commissioner Onstad appreciates the design of the structure and agrees it's a tough decision. He said it's a great asset to have a front porch. His initial reaction to the cistern is he's not an engineer, so he can speak to whether it would work or not. He questioned whether there would be enough time for the cistern to empty if there were to be back to back 1" rain events. He likes the plan, appreciates the dilemma, but is not comfortable with the size of the cistern but would be supportive of the request with a condition that the engineer approve the proposed cistern. Mr. Monson said he has no issue with the City Engineer reviewing the cistern and the application was submitted with the understanding it would have to meet that approval. The homeowner is not opposed to a conditional approval.

Commissioner McGary appreciates the design, believes it is very modest and the request is reasonable. He feels the request was reasonable without the cistern. He is supportive of the request.

Chairman Carlson is supportive of the request. He asked about the proposed grading and if there was any intention of installing any retaining walls, especially in the rear of the property. Mr. Monson said the intent is to work with the existing topography to minimize or eliminate the need for retaining walls. Carlson said his concern about the placement of walls is their impact on the trees. Mr. Monson said they would take all the steps necessary to protect the trees. Carlson asked about the proposed turn radius and asked if he felt that would be adequate. Mr. Monson said they have used the same radius on other projects and it has worked for most vehicles.

Motion by Commissioner Hemink to recommend the City Council accept the recommendation of staff to approve the variance request to exceed the maximum permitted impervious surface area by 11.8% as present at 20335 Summerville Road, conditioned the City Engineer review the proposal for the installation of a cistern and determine the appropriate size using measurable criteria and that the applicant submit a tree protection plan.

- 1. The motion is based on the following findings:** (a) the purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. The applicant is seeking to vary from the stated impervious surface standards of the ordinance to remove a non-conforming home that was constructed in 1918 and construct a new home that complies with the required setbacks; (b) the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development of residential property within the city; (c) the construction of a new home on the property is reasonable and continues the single family use of the property. The footprint structure footprint has increased by 50% which can be accounted for by an additional garage stall and interior rooms that meet the required building code. The percentage of impervious surface area on the property will be increased by 10.4%, but the applicants have taken steps, through the addition of a cistern, to capture a portion of the roof drainage to lessen the amount of water impacting the property. This has been a solution used on other properties as a means to address situations where impervious surface area is an issue. Given the area of water treated by the proposed cistern, the recalculated impervious surface percentage would be within the required amount and decrease below the existing percentage; (d) the lot was platted prior to the existing zoning and shoreland ordinances and is approximately one-third the required square footage for the R-3 zoning district. The applicant is working within the required setbacks and trying to develop a reasonable home on a narrow lot which increases the amount of impervious surface area; and (e) the proposal would not alter the essential character of the locality since it pulls the home away from the side property line, bringing it in compliance with the required setbacks and would be below the maximum permitted height requirement.

Motion Seconded by Commissioner Onstad. Motion carried 5-0.

Chairman Carlson agrees the city needs to take a look at a more consistent approach to stormwater management.

OLD BUSINESS

None

LIAISON REPORT

Councilmember Gustafson said the Council acted on two planning issue, unanimously approving the variance request of Mike and Mary Sill to construct a second story addition on their home at 3660 Northome Road and voting unanimously to deny the rezoning request of Ken and Maggie Corens to rezone their property at 18545 Lake Avenue from R-2 Single Family to R-3 Single Family.

Councilmember Gustafson commented on the application presented to the Commission for Summerville Road. He feels the applicant should provide specific information to support their assumption that their cistern would work. Commissioner Hemink said it's not the job of the Commission to make technical decisions and that is review is up to the City Engineer. Chairman Carlson noted the applicant based his calculations on the Council precedent set on previous requests involving cisterns. Councilmember Gustafson said the city needs to establish a list of strategies to deal with impervious surface issues and stormwater management.

Councilmember Gustafson advised the Planning Commission to be careful about positive praise towards any particular contractor which could be construed as favoritism.

ADJOURNMENT

Motion by Commissioner McGary to adjourn the meeting, Commissioner Hemink seconded. The meeting adjourned at 8:10.

Respectfully submitted,
Gus Karpas
Zoning Coordinator