



## CITY OF WACONIA PLANNING COMMISSION AGENDA

Regular Meeting of  
Planning Commission  
Waconia, Minnesota

Thursday, February 4<sup>th</sup>, 2016  
City Hall – 6:30 PM

MEMBERS: Mike Blanchfield, Steve Hebeisen, John Meisch, Don Osmundson, Nathan Vilmain  
ALTERNATE MEMBER: Robert Grohmann  
CITY COUNCIL MEMBER LIAISON: Jim Sanborn

STAFF: Lane Braaten, Community Development Director  
Angie Perera, Assistant Planner  
Brenda Wurst, Recording Secretary

1. Call meeting to order and roll call
2. Adopt Agenda
3. Minutes Approval from: January 7<sup>th</sup>, 2016.
4. New Business
  - A. 2015 Land Use Activity and Development Report
5. Other
6. Adjourn

WORK SESSION: Day Mental Health Facility Regulation Discussion

WACONIA PLANNING COMMISSION  
THURSDAY, January 7, 2016

Pursuant to due call and notice thereof, a regular meeting of the Waconia Planning Commission was called to order by Chairperson Hebeisen at 6:30p.m.

1. CALL MEETING TO ORDER.

MEMBERS PRESENT:	Hebeisen, Vilmain, Osmundson
NEW MEMBERS:	Meisch and Alternate: Grohmann
MEMBERS ABSENT:	Blanchfield
STAFF PRESENT:	Braaten, Perera, Wurst
VISITORS:	See attached sign in sheet
LIAISON:	Jim Sanborn

2. ADOPT AGENDA: Motion by Vilmain, seconded by Osmundson, to adopt the Agenda. All present voted aye. MOTION CARRIED.

3. APPROVE MINUTES: Motion by Hebeisen, seconded by Vilmain, to adopt the Minutes from the November 19, 2015 and December 3, 2015 meeting. All present voted aye. MOTION CARRIED.

4. NEW BUSINESS:

**A. OATH OF OFFICE FOR NEW MEMBERS AND ELECTION OF OFFICERS**

Jon Meisch was sworn in as a new Planning Commission Member.  
Robert Grohmann was sworn in as the alternate for the Planning Commission.

All Commission Members were asked by Braaten to announce any interest in filling the Planning Commission officer positions. Blanchfield, had previously stated that he would agree to serve as the Chair if nominated. Osmundson then nominated Blanchfield to Chair the Planning Commission and Hebeisen as Planning Commission Vice Chair. There were no additional suggestions or requests for either position. All in favor voted aye. MOTION CARRIED.

**B. PUBLIC HEARING: REQUEST FOR A VARIANCE FROM THE DOWNTOWN DISTRICT DESIGN STANDARDS REGARDING ROOFTOP SCREENING BY GREG AND BRIA JAMES FOR THE PROPERTY LOCATED AT 140 MAIN STREET WEST.**

The City has received a Variance Application for Greg & Bria James requesting an exception to the Architectural Design Standards regarding rooftop screening in the Downtown Design District. The Applicants have requested a variance “to not enclose the rooftop kitchen equipment “The variance request is necessary because City Code States “All rooftop equipment shall be screened form view from adjacent streets, public right-of-way and adjacent properties.

The address of the property is 140 Main Street West in the Downtown District. Braaten displayed a map of the area and location of the property stating that north of the property are residential homes, south, east and west are commercial, which gives some context to the request. The request is a variance from the Architectural Design Standards which requires the screening of all roof top mechanical equipment. The applicant is stating that the Variance is needed because the roof is not structurally sound for any additional weight, which the rooftop screening would cause. The roof top unit is a minimal eyesore compared to the improvements the owner have made to this commercial property. The color of the building also minimizes the visibility of the roof top unit. Braaten reminded the Commission that the previous action on October 20<sup>th</sup>, 2014 and on January 20, 2105 did include the condition to screen the roof top unit. Braaten noted that the applicants brought in a letter from their structural engineer, which was provided by the applicants just before the meeting.

Braaten displayed before and after pictures and indicated all of the improvements that had been made to the property. It was also pointed out that the only other item that has not been completed as part of the conditions of their Site Plan approval is the trash enclosure.

**VARIANCE REVIEW CRITERIA:**

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a variance in terms of “practical difficulty” as follows: Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of

the variance are consistent with the comprehensive plan.” So a city evaluating a variance application should make findings as to:

1. Is the variance in *harmony with* the purposes and intent of the ordinance?
2. Is the variance *consistent with the comprehensive plan*?
3. Does the proposal put property to use in a *reasonable manner*?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the variance, if granted, alter the *essential character* of the locality?

State statute specifically notes that economic considerations alone cannot create practical difficulties. Whereas, practical difficulties exist only when the three statutory factors are met (1. reasonableness, 2. uniqueness, and 3. essential character).

Hebeisen asked if they had added additional rooftop mechanical equipment during the remodel of the building. It was stated that there was nothing added.

Hebeisen opened the public hearing.

Comments- Greg and Bria James, 1883 Sandbar Circle, Waconia, MN.

- Voiced concerns with the structural integrity of the building.
- The garbage enclosure discussion also was put off because of the parking lot delay. They indicated that it would be completed in the spring of 2016.
- They got an opinion from an engineer regarding the roof, in addition to the previous comments provided by their architect.
- Concerns are:
  - Integrity of the structure of the existing roof.
  - Putting more weight on the roof.
  - Adding the screening could potentially be damaging to the building.
  - This being a 100 year old building and putting additional stress on the roof.
  - Snow load.
  - Structure and safety is the main concern.
  - Structural Engineer’s letter confirms the concerns regarding structural integrity.

Hebeisen realizes that not only is it the weight of the screening, but the snow as well. With the roof left open, the snow would potentially blow off and not pile up. With a significant snow fall, the owners stated that they would have to go up and shovel to minimize the snow load concerns.

Meisch asked if the structural engineers offered any solutions or ideas. James stated that the Engineer did do calculations and that the recommendation was not to put extra weight on the structure.

Osmundson wondered when the trash enclosure project would be complete. James stated that as soon as the ground thaw takes place, that Jerry Weiland would complete the project.

Comments-Kelly Amott, 141 Lake Street West, Waconia, MN.

- Stated that he was thrilled with the work done to the two buildings.
- Attractive looking and no longer an eye sore.
- Owners are compliant with the noise ordinance.
- Amott stated he has no issues with the equipment staying the way it is now.

Comments-Lisa Amott, 141 Lake Street West, Waconia, MN

- Stated that it’s so windy from the lake that she doesn’t know what type of screening could even go up there.
- The gray of the metal roof top units blend in with the gray of the building.
- Pleased with the first summer they have been open regarding not a lot of traffic and noise.

Motion by Meisch, second by Osmundson to close the public hearing. All in favor voted aye. MOTION CARRIED.

Osmundson asked how many variances have been granted for screening where residences were involved. Braaten stated that since he’s been with the City, the only commercial building that has been approved through the Site Plan process is the Nordic Components building in the Industrial Park, which was required to screen their rooftop mechanical.

Meisch indicated that there are two issues, first being several roof top units that are not enclosed and the other is the reality of complying with the code.

Hebeisen believes the request to be reasonable. Osmundson agreed with Hebeisen.

Vilmain commented that the circumstance of the structure is substantial and this being a unique situation given the age of the building and given the structural integrity he was inclined to agree with the variance.

Grohmann agreed that this situation is a unique circumstance to the property not created by the landowner.

Jerry Weiland stated that the trash enclosure could be built in mid-May.

Motion by Osmundson, second by Vilmain to approve the request for a variance from the Downtown District Design Standards regarding rooftop screening by Greg and Bria James for the property located at 140 Main Street West along with the addition of having the trash enclosure completed by June 1, 2016. All in favor voted aye. MOTION CARRIED.

This item will be brought to City Council on Tuesday, January 19, 2016 for final approval.

**C. SITE PLAN AMENDMENT AND DESIGN REVIEW: SITE PLAN AND ARCHITECTURAL DESIGN STANDARDS REVIEW REQUEST BY PAUL VOGSTROM AND DAVID OLSHANSKY FOR ADDITIONAL MODIFICATIONS TO BE MADE TO THE NAGEL ASSISTED LIVING FACILITY AT 232 ELM STREET SOUTH.**

Perera demonstrated the location of address 232 Elm Street South on the overhead for the Commission stating that the first amendment to the Site Plan was reviewed by the Planning Commission on 09/03/2015 and approved by City Council 09/21/2015. The second Site Plan Amendment was required as the footprint of the addition is increasing in size and the architectural elevations of the west wall are substantially different. Highlights of the **2014** Site Plan consists of two deck structures on the west wall, landscaping and parking lay out in design. Perera then explains changes in the **2015** Site Plan which includes a 2,273 sq. ft. addition to the west, revisions to the landscaping and a raingarden in the northeast corner of the property along with elevation changes. Finally, in **2016** the west addition has increased in size, the exterior stairway will now be inside, no stairs on the west wall of the addition and instead they will have windows. The north portion of the building is proposed to extend closer to the south lot line to accommodate for the two enclosed stairway structures on the interior of the addition at the north and south ends of the building.

The Site Plan Amendment complies with all City Ordinance requirements and Architectural Design Regulations. The applicant has indicated that no other changes or modifications are being propose to lighting, landscaping, parking, the trash enclosure, or other areas from what has been previously approved; however there are a few discrepancies that are inconstant with the previously approved Site Plan and therefore staff has included those inconsistencies within the recommended conditions of approval for the Planning Commission's consideration. Perera stated that the Planning Commission should make a recommendation to the City Council on the request by Paul Vogstrom and David Olshansky for an amended Site Plan and Design Review approval.

Staff recommended the following conditions of approval to be completed prior to review by the City Council:

1. Parking - The proposed parking layout information does not appear to match the previously approved parking plans. The applicants shall revise the plans to correctly include the parking layout information as was previously approve das part of the first site plan amendment.
2. Screening in NE corner - clarification is needed regarding a line segment indicated in the northeast corner of the property, which seems to show a fence structure. The line segment should be removed for the plans as staff has previously discussed this location with the application and a fence would not be acceptable due to traffic safety concerns. The northeast corner location was previously approved to include plantings to partially screen the parking area and the plans shall be revised to reflect the prior approval.
3. Grading and Drainage Plan – The grading drainage plan survey, which was prepared by Frank R Cardarelle dated 09/04/2014, shall be revised to include the correct layout of the building, the proposed addition, the parking area, landscaping and screening, and include all the other proposed improvements consistent with previously approved plans. Further, the applicant shall include additional details regarding the storm water improvements indicated on the site to the satisfaction of the City's Public Services Director and City Engineer.

Other recommended conditions that Perera mentioned are:

4. A revised SAC Determination submittal be sent to the Met Council for review and consideration.
5. The applicant shall be required to comply with applicable conditions stated in Resolution No. 2015-224, dated 09/21/2015 and Resolution No. 2014-261, dated 12/08/20014. Staff shall

prepare a new resolution for the City Council's consideration upon the completion of conditions 1-3 previously stated. The new resolution will incorporate the second Site Plan Amendment.

Comments - Paul Vogstrom, 1151 North Arm Drive, Orono, MN

Commented on the fact that they wanted higher ceilings for the additional duct work to be added and also to take advantage of the natural light and put the rooms and dining area in the new addition instead of using it for storage. Vogstrom stated the other big change was enclosing the stairway.

Hebeisen asked about the timing of the project. Vogstrom stated the plan is to open within the next couple months and pending approval for the addition, start construction of the addition with completion in a year.

Hebeisen inquired about the proposed grading and drainage on the site. Vogstrom stated that they will be doing raingardens and an underground storage tank to limit the amount of water runoff. Braaten clarified that if Vogstrom wanted to bring this application to the City Council for consideration on January 19, 2016 the revised and requested information would need to be submitted to his office by Wednesday or Thursday of the next week.

Motion by Osmundson, second by Vilamin to approve the Site Plan and Architectural Design Standards Review request by Paul Vogstrom and David Oshansky for additional modifications to be made to the Nagel Assisted Living facility at 232 Elm Street South with the 5 recommendations listed above. All in favor voted aye. MOTION CARRIED.

**D. INFORMAL DISCUSSION: SKETCH PLAN – INTERLAKEN OUTLOT A SUBMITTED BY HARTMAN COMMUNITIES FOR THE PROPERTY LOCATED AT 1150 SOMERWOOD DRIVE.**

Braaten explained that this is an informal discussion with Harman Communities regarding a Sketch Plan for the property located at 1150 Somerwood Drive. Braaten demonstrated the location of the property on the overhead explaining that to the north is Airport Road, south is Highway 10, west is Main Street and to the east is Somerwood Drive. The property is 15.3 acres, zoned R-3 and the Comp Plan guides the property for Medium Residential, which requires a minimum of 4 units per acre. Braaten also shared the Concept Plan for the property which includes 51 lots, approximately 60 feet in width and 130 ft. in lot depth which is not currently in compliance with the guidance of the city of Waconia Comprehensive Pan as the plan does not meet the minimum density requirements.

Comments- Terry Hartmann with Hartman Communities-1715 Tower Blvd, Victoria, MN

- Commented on previous projects that Hartman Communities had completed in the City of Waconia which include: Oakepointe, Sierra, and Pinehill /Pine Business Park.
- Hartman explained how he acquired this particular property, indicating that it was an agreement to exchange one of his lots in Pine Business Park and cash for the 1150 Somerwood Drive parcel.
- Hartman stated that both the City and Hartman Communities were interested in the Somerwood property being affordable single family homes.
- Hartman Communities is not a home builders, they develop properties. They typically work with small builders and custom home builders in their projects.
- The vision for Hartman is a lower price point.
- In response to the comments regarding non-compliance with the density requirements for property guided for medium density, Mr. Hartman commented that based on his calculations he was 7 lots off short of being in compliance. As a result he provided a subsequent plan which dedicated and additional outlot for open space, which results in compliance with the density issue.
- Hartman also talked about landscaping that will be needed.

Commissioners stated that it looked like a good project for the area and looked forward to a future Preliminary Plat submittal from Hartman Communities.

5. OTHER

**A. DISCUSSION ITEM: DAY MENTAL HEALTH TREATMENT FACILITY REGULATIONS.**

Perera gave an overview of the Day Mental Health Treatment Facility information. Perera explained the previous request by Cedar House, which requested that day mental health facilities be a permitted use with Special Restriction within the R-1 Single Family Residential District. This request to amend the City Code was denied by the City Council at a previous meeting with a direction to staff and the Planning Commission to consider some language revisions that may allow the use in residential areas. Further, Ms. Perera explained the previously proposed City Code definition "Day

Mental Health Treatment Facility” as “approved by the County for human services serving ten or fewer persons and being located no fewer than 2,000 feet to another approve facility”

Perera went on to explain Interim Use and Conditional Use. Special restrictions for consideration was also mentioned and explained.

Perera informed the Commission that subsequent to the City Council denying the Ordinance Amendment, Cedar House has signed a purchase agreement for the property located at 201 1st Street West. The property is located in the B-2 zoning district and their use is a permitted use in said district.

Braaten mentioned a list of possible items/issues to discuss when considering options for allowing a Day Mental Health Treatment Facility within residentially zoned areas:

- Regulations allowing this type of facility in certain Residential Districts.
- Number of staff they may have at the facility.
- Concerns of available residential lots for this type of facility.
- Having 10 clients and staff –parking requirements..
- Transporting clients.

Braaten then recommended a work session regarding these issues.

Comments- Jim Sanborn, 1028 Breezy Court, Waconia, MN

- Generally a good idea and something that the City needs to take a closer look at for the next provider that asks about a facility like this.
- This is service that is needed in Carver County.
- Provide services to autistic students-there are a large number of autistic adults that need these types of facilities.

Commission recommended a special work session regarding this topic.

Osmundson asked what the City of Jordon did to allow a Day Mental Health Treatment Facility in their R-1 District. Perera stated that Jordan amended the ordinance to allow it.

Grohmann asked why this facility wanted to be in a residential district. Hebeisen recalled that it was basically for the patient experience, that they are not going into a commercial facility but a home type setting. Braaten added that they did not want an institutional feel for their facility.

Braaten asked for clarification regarding:

- Interim Use- being temporary with a time frame
- Conditional Use -where the Use stays with the property.

Vilmain’s thoughts were for the Interim Use.

No updates.

There being no further business, motion by Osmundson, second by Meisch to adjourn at 8:00p.m. All present voted aye.  
MOTION CARRIED.

Respectfully submitted,

Brenda Wurst  
Recording Secretary

Thursday, January 7, 2016

# WACONIA PLANNING COMMISSION MEETING

PLEASE SIGN IN

NAME	ADDRESS
1. <u>Bruce James</u>	<u>1883 Sandbar Cir. Waconia</u>
2. <u>TERRY HARTMAN</u>	<u>HARTMAN COMMUNITIES, VICTORIA</u>
3. <u>Kelly Amott</u>	<u>141 W Lake St</u>
4. <u>Lisa Amott</u>	<u>" "</u>
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## WORK SESSION ITEM FOR PLANNING COMMISSION CONSIDERATION

<b>Meeting Date:</b>	February 4 <sup>th</sup> , 2016
<b>Item Name:</b>	Day Mental Health Treatment Facility Regulation for Residentially Zoned Properties
<b>Originating Department:</b>	Planning and Zoning
<b>Presented by:</b>	Angie Perera, Assistant Planner

<b>Previous Commission Action</b> (if any):						
<b>Item Type (X only one):</b>	Consent		Regular Session		Discussion Session	X

**RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED** (Include motion in proper format.)

**Discuss and consider development of future regulations pertaining to Day Mental Health Treatment Facility regulation within residentially zoned properties per the direction of the City Council.**

**EXPLANATION OF AGENDA ITEM** (Include a description of background, benefits, and recommendations.)

This memo has been drafted with the anticipation that the Planning Commission will begin to review and consider additional options regarding a “Day Mental Health Facility”. This specific land use is currently permitted within the Waconia City Code as “Medical clinics” within the B-1 Highway Business District, the B-2 General Business District, the B-3 Central Business District, and within the B-4 Health Care Business District. Staff is specifically seeking feedback on the following as it pertains to the aforementioned land use.

- **Where should this land use be allowed (or not allowed)/what zoning districts may be appropriate for the land use?**
- **Should a public hearing/notification process be required for the land use?** *If yes, consider IUP or CUP process*
- **Should the Planning Commission and City Council require a review process for the land use?** A review process would entail a formal application for the proposed land use that would then be reviewed by city staff, Planning Commission and the City Council. *If yes, consider IUP or CUP process*
- **What type of use is appropriate for the land use?** (ie. Permitted Use, Permitted Use with Special Restrictions, IUP -Interim Use, CUP - Conditional Use)?
- **If an Interim Use Permit or Conditional Use Permit would be appropriate, what special restrictions/conditions may be necessary to include in the Ordinance language to insure that the use is compatible with neighboring residential properties?** The Planning Commission may want to consider specific requirements for the use such as some of the examples listed below:
  - 1) Minimum lot size requirements
  - 2) Onsite parking requirements
  - 3) Additional landscape/screening requirements
  - 4) Hours of operation
  - 5) Signage
  - 6) Out-patient versus inpatient care
  - 7) Maximum number of patients to be served on the property at one time
  - 8) Architectural compatibility of the structure
  - 9) Proximity of another such facility within a certain distance

- **How should the City Code define a “Day Mental Health Facility”?** The previous applicant, Cedar House proposed the following definition: *“Day Mental Health Treatment Facilities – approved by the County for human services serving ten (10) or fewer persons and being located no fewer than 2,000 feet to another approved facility”*.

Staff has provided the table of types of uses and the use descriptions and process below to help inform our conversation and future direction. Subsequent to our discussion regarding this topic, and based on the direction of the Planning Commission comments, staff will begin to draft some ordinance language for consideration at the March 3<sup>rd</sup>, 2016 regular Planning Commission meeting.

**Table 1: ‘City Code Types of Uses, Description, & Process’**

Use Types	Use Descriptions & Process
Permitted Use	A use that that is authorized or allowed alone or in conjunction with another use within a zoning district (provided it conforms to the requirements of the zoning district) – <i>no permit or special administrative review or public hearing process required.</i>
Permitted Use - with Special Restrictions	A use that that is authorized or allowed alone or in conjunction with another use within a zoning district (provided it conforms with the requirements of the zoning district) and requires conformance of specific, special conditions or requirements in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be and are mitigated – <i>no permit or special administrative review or public hearing process required.</i>
Interim Use	A temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use, permitted only upon issuance of an interim use permit and subject to the limitations and conditions specified therein. – <i>similar to a Permitted Use with Special Restrictions; although the Interim Use would essentially expire at a certain time &amp; City Code requires a public hearing process &amp; notification to be published in the newspaper and mailed to properties within 350 ft. of proposed Interim Use. An Interim Use could be revoked if conditions or specific regulations were not being met.</i>
Conditional Use	A use or occupancy of a structure (building), or a use of land (property), permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein. A conditional use would be approved and stay with the property – <i>similar to a Permitted Use with Special Restrictions &amp; Interim Use; although the Conditional Use would not expire and would stay with the property. City Code requires a public hearing process &amp; notification to be published in the newspaper and mailed to properties within 350 ft. of proposed Interim Use. A Conditional Use could be revoked if conditions or specific regulations were not being met.</i>

