

WACONIA PLANNING COMMISSION
THURSDAY, September 1, 2106

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

1. CALL MEETING TO ORDER.

MEMBERS PRESENT:	Hebeisen, Osmundson, Meisch, Blanchfield
MEMBERS ABSENT:	Vilmain
ALTERNATE:	Grohmann
STAFF PRESENT:	Braaten, Nelson, Stein
VISITORS:	See attached sheet
COUNCIL LIASION:	Jim Sanborn

Reminder to please sign in.

2. ADOPT AGENDA: Motion by Meisch, seconded by Osmundson to adopt the Agenda as presented. All present voted aye. MOTION CARRIED.
3. APPROVE MINUTES: Motion by Hebeisen, second by Osmundson to approve the minutes from the August 4, 2016, Planning Commission Meeting. All present voted aye. MOTION CARRIED.
4. NEW BUSINESS:

**STEEP SLOPE LAND ALTERATION PERMIT – REQUEST BY COLORSCAPES BY
DESIGNS, ON BEHALF OF CHAD STIERNAGLE, TO ALLOW LANDSCAPE
IMPROVEMENTS WITHIN THE STEEP SLOPE AT 211 LAKEVIEW TERRACE BLVD.**

The City received a Steep Slope Alteration Permit Application from Colorscapes by Design, on behalf of Chad Stiernagle, to allow landscape improvements within a steep slope on the property located at 211 Lakeview Terrace Blvd. The applicant is requesting approval to install retaining walls, approximately 150 c. y. of fill material and a 220 sq. ft. paver patio within the steep slope on the lake side of the existing home.

Braaten displayed a location map of the community showing the property at 211 Lakeview Terrace Blvd. The property is zoned R-2 Single Family Residential and is within our Shoreland Overlay District. There is a significant drop off in the back yard toward the lake.

Steep Slope – Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site’s soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, that are not bluffs.

STEEP SLOPE ALTERATION PERMIT PROCEDURES:

The City Code requires, prior to the commencement of any development on a steep slope, an application for a permit shall be made to the City for review and approval by the Planning Commission and City Council. Steep Slopes, as defined in the Shoreland Overlay District, are slopes exceeding 12% over a distance of 50 feet or more, which are not bluffs. Properties outside of the Shoreland area are also

required to get approval of a Steep Slope Permit prior to commencement of any work for slopes of 18% or more.

The Shoreland Overlay District states “*Local government officials must evaluate the possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, another facilities as viewed from the surface of the public waters, assuming summer, leaf-on vegetation.*”

Further, Section 900.06, Subd. 7. Shoreland Overlay District, F. Shoreland Alterations has been attached to this report for your review. In summary, Shoreland alterations are allowed as long as the applicant is not intensively clearing the vegetation on the steep slope, the structures on the property are reasonably screened as viewed from the water, pesticide use is minimized on the property, grading and/or filling done in way so as not to detrimentally affect the lake or neighboring properties, exposure of bare ground is limited and methods to control soil erosion are put in place (see attached).

Braaten explained pictures of the property lay out and the improvements to be made.

Motion by Osmundson, second by Meisch to approve the steep slope land alteration permit – request by Colorscares by Designs with the following conditions listed below.

- 1) The Site Plan/Erosion Control Plan submitted with the application be followed as approved and revised by the Planning Commission and City Council.
- 2) All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
- 3) The applicant shall comply with the Bolton and Menk memo dated August 16th, 2016, which is attached to this report as Attachment #5.
- 4) All retaining walls exceeding 4 ft. in height shall require a permit and shall be designed by a licensed engineer.
- 5) Approval of the Steep Slope Land Alteration Permit request shall also serve as approval for the grading and filling to be done in conjunction with the proposed improvements.
- 6) The excavation or filling permit shall run for six (6) months unless a lesser or greater period is requested and approved by the City Council.
- 7) The bare ground shall be exposed for the shortest time possible.
- 8) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.

All in favor voted aye. MOTION CARRIED.

This item will be brought to the City council May 19th for final approval.

VARIANCE – REQUEST BY LELAND OTTO TO LOCATE A 170 SQ. FT. UTILITY SHED 9 FT. FROM THE SIDE LOT LINE WITHOUT IMPROVEMENT OF A DRIVEWAY SURFACE FOR THE PROPERTY AT 509 PINE STREET SOUTH.

-This item was Tabled at the August 4th, 2016 Planning Commission Meeting and is a continuation for the variance request at address 509 Pine Street South.

The Planning Commission, at their regular meeting on August 4th, 2016, held the public hearing and briefly discussed the Variance request submitted by Mr. Leland Otto. This submittal is to construct a 170 sq. ft. shed/accessory building on his property 9 ft. from the side lot without the improvement of a driveway access. Mr. Otto was not able to attend the meeting on August 4th so the application was tabled

until the September 1th, 2016 regular meeting of the Commission. There was additional information requested regarding the shed/accessory structure which was provided to the Commissioners via email from staff on August 16, 2016.

There has been no comments on the shed or its location.

Braaten gave an overview on the variance request by Leland Otto. He displayed the location of the property which is right off of Highway 5 and at the end of Pine Street. This property is zoned R-5, but has been a single family residential. A picture of the structure was provided for the Commission members by the applicant along with Braaten explaining numbered pictures of the location for the proposed shed on the property.

Blanchfield stated that this does not feel like a structure, but more of a portable temporary tent. It's never been considered that these types of tents as a structure or accessory building. Braaten explained to the Commission that under our current ordinance garage structures and sheds are based on square footage no matter what materials they are made of. The ordinance reads that 144 and below is considered a utility shed, 144 and above is considered accessory structure or garage structure. The only thing that is mentioned in the ordinance regarding materials is that shed structures cannot be made of metal.

Meisch mentioned a concern of his with the consistency for shed variance going forward.

Otto stated he would use this shed as storage for lawn mowers and his snow blower. Otto also mentioned the door to this shed would be facing the house and there is no way a car could even get into it. He also demonstrated how he would anchor the shed.

Overview of the discussion regarding this variance request:

- Looking at this structure as a **utility building**- it's oversized,
- Looking at this structure as a **garage**- a driveway is needed.
- Commissioners went through the criteria with Mr. Otto.

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?
- Commissioners asked if a 10 x 17 shed is needed and if Otto would consider a smaller structure.
 - A circumstance to consider is that a tree is located where the shed should be placed but the home owner wants to save the tree.
 - Braaten talked about the right of way from highway 5 in regards to placement of the shed and there being limited space for the shed because of the need to be 25' from the right of way.
 - In looking for a unique circumstance and a practical difficulty it was noted that by looking at the pictures there is no option for a driveway.
 - This variance approval is not about the material that the shed is made of it's about the side yard setback and the driveway surface.
 - Over all, there is no other place on the property to place the shed because of the setback issue and driveway access being impossible.

Motion by Hebeisen, second by Osmundson to approve the variance request by Leland Otto to locate a 170 sq. ft. utility shed 9 ft. from the side lot line without improvement of a driveway surface for the property at 509 Pine Street South with the 5 recommendations mentioned below:

- 1) The utility shed/accessory building be constructed as proposed and as conditionally revised by the Planning Commission and City Council.
- 2) All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
- 3) The utility shed shall be located a minimum of 9 ft. from the north property line and meet all other setback requirements.
- 4) The applicant contact City staff upon completion of the project to verify all conditions set forth in the granting of the variance have been met.
- 5) The variance request shall become void unless acted up within one year of the date of formal approval by the City Council.

All in favor voted aye. MOTION CARRIED.

Braaten gave an update:

-Revisit the shed ordinance.

-The Preliminary and Final plat was received for the Oppidan project located off Highway 5 across from Hometown Bank. They are proposing the Holiday Station Store, Culvers and then to the west a multi-tenant building along with another 9,000 square foot building.

-There has not been a submittal from the Avalon Group for the structure proposed to go in by Target.

There being no further business, motion by Meisch to adjourn at 7:30, seconded by Hebeisen. All present voted aye. MOTION CARRIED.

Respectfully submitted,

Brenda Stein
Recording Secretary