

MINUTES
CITY OF LONSDALE
REGULAR PLANNING & ZONING COMMISSION MEETING
OCTOBER 16, 2008

MEMBERS PRESENT:

Gary Skluzacek, Jim Freid, Dave Dols, John Duban, and Cindy Furrer

MEMBERS ABSENT:

Joe Kodada and Harold Vosejпка

STAFF PRESENT:

City Planner Benjamin Baker and Building Inspector Jim Filipek

1. CALL TO ORDER

Chairperson Dols called the meeting to order at 6:30 pm in the Council Chambers at 415 Central Street West.

2. AGENDA

Chairperson Dols asked if anyone had any additions or deletions to the agenda.

A motion was made by Duban and seconded by Skluzacek to approve the agenda as presented. Vote for: Skluzacek, Freid, Dols, and Duban; Against: None (Vote 4-0). Motion carried.

3. APPROVAL OF MINUTES

Dols asked the Commission if they had any comments or corrections regarding the Minutes from the September 18, 2008 Regular Meeting.

A motion was made by Duban and seconded by Skluzacek to approve the minutes. Vote for: Skluzacek, Freid, Dols, and Duban; Against: None (Vote 4-0). Motion carried.

4. PUBLIC COMMENT

None

5. PUBLIC HEARING

- a. Amendment to the Official Zoning Map – Showing Existing Planned Unit Developments as Overlay Zones On Top of Associated Underlying Zoning Districts

Dols read the notice and opened the public hearing. Baker read through the staff report. He stated that according to the City Attorney any type of amendment to the Official Zoning Map requires a public hearing. He said that essentially the proposed amendment

is a technicality and clarification to the Official Zoning Map. He said that currently, the map shows all of Lonsdale's Planned Unit Developments (PUDs) as one common zone without showing an underlying zoning classification. Baker mentioned that Lonsdale has four PUDs including Eagle Creek, Rolling Ridge Market Place, Harmony Meadows 1st Addition, and Willow Creek Heights 2nd Addition – Villas (located along Connecticut Drive SE). He said each PUD was approved with different regulations that were negotiated from a specific base zoning. He said that since the Official Zoning Map does not show PUD underlying zoning classifications or specifically labeled PUD zones, the map should be amended to reflect the original intent of each PUD. Baker recommended approval of the following amendments and clarification to the Official Zoning map:

1. Eagle Creek shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-EC”.
2. Harmony Meadows 1st Addition shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-HM”
3. Willow Creek Heights 2nd Addition - Villas (located along Connecticut Drive SE) shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-WCHV”
4. Rolling Ridge Market Place (all phases) shall be officially zoned as “B-3, Central Business” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-RRMP”

Dols opened the floor for public comment.

Building Inspector James Filipek agreed with the proposed amendment. He said that providing details such as labeling each PUD zone and showing the underlying zoning district will help City staff distinguish between the different zoning regulations. He said the new map will be a great help to him.

Guy Cooper, 242 Hawaii Street SE, asked how the proposed changes to the zoning map would affect him. The Commission told him that essentially nothing will change. They said that residential uses and regulations will remain the same. Duban explained to Cooper that each PUD has different rules, but the proposed amendment was just a clarification to the zoning map.

A motion was made by Duban and seconded by Dols to close the public hearing. Vote for: Skluzacek, Freid, Dols, and Duban; Against: None (Vote 4-0). Motion carried.

6. OLD BUSINESS

None

7. NEW BUSINESS

- a. Consider Approval of V2-2008, a Variance Request by Steven Jakobitz to Erect a New 26' x 32' Detached Garage Within the Required Side Yard Setback and 32 sq. ft. Larger than the 800 sq. ft. Maximum Size for a Residential Accessory Building

Baker stated that Steven Jakobitz was the applicant and property owner. He said that the applicant was requesting a variance from the required side yard setback and from the 800 sq. ft. maximum size for a residential accessory building in order to construct a new 26' x 32' detached garage at 218 3rd Avenue SE. Baker described the subject property having a house (principal building), detached garage (accessory building # 1), and detached shed (accessory building # 2). He said that the property was zoned as R-2, Single Family Detached Residential. Baker stated that 10 feet is the required minimum side yard setback in the R-2 District. He also referred to Ordinance 2007-215, Accessory Buildings, stating that residential parcels under ½ acre in size are allowed up to 800 sq. ft. of total accessory structure area. Baker provided the Commission with a setback regulation chart, building details, an existing survey, and a proposed survey. He reminded the Commission that the applicant was applying for two variances.

Jakobitz described his financial situation to the Commission, and he said he would try to do the best that he could do with the money he has saved up. Jakobitz also described the status of his current garage and the details of the proposed garage project. He said that he would take down and remove the existing shed. He mentioned that Simon Bothers would be constructing a retaining wall along the north side of the concrete pad and new garage. He also said that some trees may be removed to make room for the retaining wall and new garage. He said that the pitch of the new garage would be 4/12 with the gable ends facing east-west. Jakobitz said that the current garage surface will be removed and new footings and a concrete floor will be poured along with the project.

Dols suggested that the Commission break up their discussion into two parts: 1) discussion on the side yard setback variance request and 2) discussion on the oversized accessory building request. Skluzacek asked if access for the new garage could be obtained through the alley. Jakobitz said that the rear alley has never been improved and has a steep grade. Duban stated that the placement of a new garage further back from the southern property line would be a great improvement to the neighborhood. The Commission asked Jakobitz if he had considered attaching the garage to the house or placing it further into the back yard. Jakobitz said that he did entertain those thoughts, but he would like to place some plantings along the south side of the new garage and leave more room in the rear for grandchildren to play. He said that he talked with his neighbors, and they all agreed that the proposed location was the right place and that the new garage would improve the area. Jakobitz said that the proposed location would be

the best place and the least expensive. Skluzacek asked if the City would be held responsible in the event that snow or ice from a City plow damaged the new structure. He also relayed his concern that vinyl siding might crack during the winter months especially with snow and ice being deposited from the nearby road. Filipek explained the strength aspects of the proposed garage walls, anchor bolts, and siding. Jakobitz said that in the eleven years he has been living there, the garage has never been moved or structurally damaged due to snow and ice coming from Arizona Street. The Commission agreed that a condition of approval should state that the City not be liable for any damage caused by flying ice or snow from the City snow plow. Jakobitz stated that he was okay with that condition.

Jakobitz stated that he wanted to go with a 26' x 32' (832 sq. ft.) package because it was cheaper than purchasing a smaller size. Dols stated that the Planning Commission spent almost two years on forming the new accessory structures ordinance. He said that the Commission should stand firm on the maximum accessory building sizes allowed by the ordinance. Dols said that if the Planning Commission allows a larger building now, then a new precedence would be established for any future variance requests. Fried agreed with Dols, stating that if the Commission allows one person to do it, others will want the same treatment. He said that the Commission should keep unified on the allowable building sizes. Filipek explained that any experienced contractor could shorten the length of trusses to comply with the 800 sq. ft. standard. After listening to the Commission members and Filipek, Jakobitz agreed that he would keep the size of the new garage under 800 sq. ft. Furrer and Skluzacek stated that the submitted survey and building details would need to be updated to reflect the exact location, layout, and size of the new garage in order for the Board of Adjustments and Appeals to accurately review the request. Fried and Furrer also said that language should be added to the final Council resolution stating that the project should follow a one year timeline.

A motion was made by Fried and seconded by Duban to approve a variance at 218 3rd Avenue SE allowing a new detached garage to be setback five (5) feet from the southern property line with the following conditions:

1. The size of the new garage shall be 800 sq. ft. or smaller.
2. The exterior design and color shall be the same or compatible with that of the principal building or be of earthen tone and in character with the surrounding built environment. Compatible means that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint as to cause a difference to a degree to cause incongruity or a nuisance.
3. The existing rear yard shed shall be completely taken down and removed from the site before construction of the new detached garage begins.
4. The driveway and parking pad shall be hard surfaced with concrete or bituminous asphalt.

5. If applicable, all requirements of §153.065, Tree Preservation, shall be met.
6. Siding and windows placed along the south side of the new garage shall be constructed of materials able to withstand flying ice or debris coming from the blade of a street snow plow.
7. An agreement shall be signed by the property owner stating that the City of Lonsdale shall not be held liable for any damage done to the new garage as a result of ice or snow coming from City snow removal equipment.

Vote for: Skluzacek, Freid, Dols, and Duban; Against: None (Vote 4-0). Motion carried.

b. Consider Approval of an Amendment to the Official Zoning Map – Showing Existing Planned Unit Developments as Overlay Zones On Top of Associated Underlying Zoning Districts

Baker stated that a public hearing was held earlier in the meeting on the issue. He said that City staff recommended approval of the zoning map amendment and clarification.

A motion was made by Duban and seconded by Fried to approve the following Official Zoning Map amendments:

1. Eagle Creek shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-EC”.
2. Harmony Meadows 1st Addition shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-HM”
3. Willow Creek Heights 2nd Addition - Villas (located along Connecticut Drive SE) shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-WCHV”
4. Rolling Ridge Market Place (all phases) shall be officially zoned as “B-3, Central Business” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-RRMP”

Vote for: Skluzacek, Freid, Dols, and Duban; Against: None (Vote 4-0). Motion carried.

c. Review and Discuss Lonsdale’s Current Land Survey Requirements

Baker provided current certificate of survey requirements from the City Code and Building Inspection Department for the Commission to review. He also provided examples of recent surveys that showed various older structures located outside of the property lines or within an easement area. Building Inspector James Filipeck explained to the importance of surveys to the Commission. He provided many examples in which

surveys assured him of the exact location of property lines and structures. He stated that without surveys, finding property pins and lot lines is a guessing game. He said that the City's current survey requirements have taken a lot of pressure off of City staff. He also stated that other neighboring cities are envious of the Lonsdale's progressive survey requirements. Fried stated that he was initially concerned with making residents pay for a survey if the proposed project was obviously in the middle of the lot, but he agreed with Filipeck that requiring surveys for all projects is a good idea. Skluzacek reminded the Commission that surveys have been required for over 10 years. He said that surveys were required to help fix the problems that had arisen in the older sections of town where structures were located without surveys. The Commission agreed that surveys help protect the City and help property owners locate structures accurately. They also agreed that the City should keep its current regulations, requiring an updated survey for most outside projects, regardless of location on the lot, so that everyone is treated equally. Filipek commended the Commission for standing firm on the requirement.

No action was taken.

d. Update on CapX 2020 (345-kV transmission line project from Brookings, SD to Twin Cities, MN)

Baker updated the Commission on the proposed CapX 2020 transmission line project. He provided a copy of a recent article from the News Review and a resolution that was recently passed by the City Council opposing any proposed route within two miles of City limits. He mentioned that the Council was in favor of renewable energy, but they were not in favor of the proposed southerly route along County Road 2 and Hwy 19 north of Lonsdale.

8. MISCELLANEOUS

Jim Filipek provided the Commission with an update on vacant Legacy Meadows homes, Parish Marketing homes, and other foreclosure homes. He explained the conditions that some of the properties were in and the procedure needed before residents would be allowed to live in the homes.

Baker provided the Commission with an updated building permit list for the first three quarters of the year.

9. ADJOURNMENT

A motion was made by Duban and seconded by Fried to adjourn the meeting. Vote for: Skluzacek, Freid, Dols, and Duban; Against: None (Vote 4-0). The meeting ended at 8:40 pm.

Respectfully Submitted:

Benjamin Baker, City Planner