

MINUTES
CITY OF LONSDALE
REGULAR PLANNING & ZONING COMMISSION MEETING
NOVEMBER 17, 2011

MEMBERS PRESENT:

Jim Freid, Joe Kodada, Dave Dols, John Duban, Ben Sticha, and Scott Pelava

MEMBERS ABSENT:

None

STAFF PRESENT:

City Planner Benjamin Baker

1. CALL TO ORDER

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

2. AGENDA

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

A motion was made by Kodada and seconded by Freid to approve the agenda as presented. Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried.

3. APPROVAL OF MINUTES

A motion was made by Duban and seconded by Kodada to approve the minutes from the October 20, 2011 meeting with the noted correction. Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried.

4. PUBLIC COMMENT

None

5. PUBLIC HEARING

- a. Review a Proposed Zoning Ordinance Text Amendment to City Code Section 153.081, Swimming Pools

Chair Dols read the hearing notice and opened the public hearing.

Baker provided the Commission with a staff report and proposed zoning ordinance text amendment to review. Baker mentioned that the current regulation for swimming pools prohibits pools within the front yard setback area but it doesn't specifically prohibit pools within front yard areas located outside of the front yard setback. He said that it was never

the City's intent to allow for pools within the front yard, so he mentioned that the proposed ordinance amendment will specifically prohibit pools within the front yard. He stated that the proposed ordinance amendment also has updated definition language, including definitions clarifying the difference between a swimming pool, wading pool and temporary pool. He said that the ordinance will also include a new subsection describing when a building permit is required, which was based on language found in the building code.

Chair Dols asked if anyone wanted to speak on the matter.

Kevin and Sarah Becker, 1308 Deerview Court SE, asked the Commission to consider keeping the Swimming Pool ordinance as is so that they can continue to place their swimming pool in front of their home. K. Becker asked the Commission not to change the current regulations just to please the neighbors. K. Becker stated that the sloped topography in his side and rear yards are not conducive for placing their temporary swimming pool and that is why he placed his pool on the level ground in the front yard. He said that he intentionally found a neutral colored pool so that it wouldn't be offensive to the neighbors. S. Becker said that her family and some of the neighbor kids enjoy using his pool during the summer. K. Becker asked if a petition from the neighbors would help their case.

Chair Dols asked if anyone else wanted to comment on the proposed ordinance amendment. No one else responded to the invitation. Baker noted that no other written or verbal comments were received by the City.

A motion was made by Duban and seconded by Sticha to close the public hearing. Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried. The hearing closed.

b. Review a Proposed Zoning Ordinance Text Amendment to City Code Section 153.074, Single Family Dwellings

Chair Dols read the hearing notice and opened the public hearing.

Baker provided the Commission with an overview memo and a proposed ordinance amendment to review. He mentioned that the City does not currently allow for metal roofs on single-family dwellings. He said that the Planning Commission held a special presentation on the subject at their last meeting in October where information was provided by Help-U-Build Construction on the durability, safety, design, cost, and efficiency of metal shingles. He said that the Planning Commission agreed that the residents of Lonsdale should be given another option to consider when it's time to reroof their homes.

Chair Dols asked if anyone wanted to comment on the proposed ordinance amendment. No one responded to the invitation. Baker noted that no written or verbal comments were received by the City.

A motion was made by Freid and seconded by Kodada to close the public hearing. Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried. The hearing closed.

c. Review a Proposed Replat of Rolling Ridge Market Place (Rolling Ridge Market Place 4th Addition) – Rolling Ridge Market Place Association

Chair Dols read the hearing notice and opened the public hearing.

Baker provided the Commission with a detailed staff report including minutes from the July 26, 2011 Rolling Ridge Market Place Association meeting, a memo from the City Engineer, comments from the City Attorney, associated maps, and a list of conditions of approval. He said that Attorney Douglas Debner submitted a preliminary/final plat application on behalf of the Rolling Ridge Market Place Association. Baker mentioned that the newly submitted final plat was a replat of the original Rolling Ridge Market Place, named Rolling Ridge Market Place 4th Addition. Baker explained that the RRMP Association received a request from Fred Braegelmann (Fred's IGA) to have the land on which Fred's IGA is situated, including the surrounding parking lot and fuel pump island, transferred out of the association's name and into Braegelmann's name. He said that Braegelmann requested to be removed from the association at the July 26, 2011 Rolling Ridge Market Place Association meeting. Baker commented on the current zoning, associated agreements, and land use plan for the Rolling Ridge Market Place. He also detailed the proposed changes to the plat and lot ownership.

Chair Dols asked if anyone wanted to speak on the matter.

Douglas Debner, 516 Washington Street, Northfield, MN, provided the Commission with greater details on the request. He also briefly discussed a proposed severance agreement being required by the City Attorney.

Chair Dols asked if anyone else wanted to comment on the proposed plat request. No one else responded to the invitation. Baker noted that no other written or verbal comments were received by the City.

A motion was made by Duban and seconded by Freid to close the public hearing. Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried. The hearing closed.

6. GENERAL BUSINESS

a. Consider Approval of a Proposed Zoning Ordinance Text Amendment to City Code Section 153.081, Swimming Pools

After holding a public hearing earlier in the meeting, the Planning Commission discussed the comments made at the hearing in regards to the proposed zoning ordinance text amendment. Dols explained that there may be a gray area in the current ordinance, and he said that it was never the City's intent to allow for pools within the front yard. Dols stated that newer built homes tend to have garages that project out further in front of the actual home, which leaves more space between the home and front setback line than in years past. Kodada stated that the proposed ordinance will clarify the City's intent for swimming pools and curb/stop potential issues in the future. Pelava explained that small temporary wading pools, that can be setup/taken down easily, will still be allowed in any yard. Duban asked if front yard pools located on cul-de-sac lots should be allowed. Kodada stated that the ordinance should be consistent in its regulations and any exceptions should be limited. After further reviewing the proposed ordinance, the Commissioners all agreed on the proposed text amendment language.

A motion was made by Dols and seconded by Kodada to recommend approval of Zoning Ordinance Text Amendment to City Code 153.081, Swimming Pools as presented. Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried.

b. Consider Approval of a Proposed Zoning Ordinance Text Amendment to City Code Section 153.074, Single Family Dwellings

After holding a public hearing earlier in the meeting, the Planning Commission briefly discussed the proposed zoning ordinance text amendment. Duban asked if a thickness requirement for metal roofing should be considered. Baker mentioned that the Building Inspector will be reviewing the manufacturer's specifications for all metal roofing materials. Sticha stated that people should be careful when walking on metal roofs. Dols asked if snow build up on metal roofs could cause issues.

A motion was made by Freid and seconded by Duban to recommend approval a Zoning Ordinance Text Amendment to City Code Section 153.074, Single Family Dwellings as presented. Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried.

c. Consider Approval of a Proposed Replat of Rolling Ridge Market Place (Rolling Ridge Market Place 4th Addition) – Rolling Ridge Market Place Association

After holding a public hearing earlier in the meeting, the Planning Commission briefly discussed the proposed plat for Roling Ridge Market Place 4th Addition.

A motion was made by Duban and seconded by Kodada to recommend approval of Rolling Ridge Market Place 4th Addition (a replat of Rolling Ridge Market Place) contingent upon the following conditions:

1. There is an error on the Rolling Ridge Market Place 4th Addition showing a “4” within Lot 6, Block 1 RRMP 4th Addition. Said error (“4”) shall be removed from the plat.
2. Ownership and dedication of Rolling Ridge Market Place 4th Addition Lot 7, Block 1 and Outlot A shall be included on the plat.
3. The 10 ft. drainage and utility easement shown within Outlot A, RRMP 4th Addition shall be extended north to include all of Outlot A within the easement.
4. Although it appears that Outlot A, RRMP 4th Addition along with Outlot A, RRMP is being set up for future dedication to the City as a public right-of-way, at this point in time the City is not interested in acquiring Outlot A, RRMP & RRMP 4th Addition (Ash Street NE – private roadway). However, if at some point in the future, Ash Street NE (private roadway) is dedicated to the City as public right-of-way, the City would require a 60 ft.-wide outlot over Ash Street NE (private roadway). Before dedication of Outlot A (from the Rolling Ridge Market Place Association to the City) is considered by the City, an agreement shall be established giving the City the right to assess the adjacent property owners for improvements necessary to upgrade Ash Street NE (private roadway) to a public street.
5. The City Attorney shall review and approve the Severance Agreement along with any necessary amendments to the Declaration of Covenants, Conditions, and Restrictions of Rolling Ridge Market Place CIC No. 62, Bylaws, Articles of Incorporation, and the Planned Unit Development Agreement for Rolling Ridge Market Place.
6. A recorded easement shall be executed and dedicated to the City from the Rolling Ridge Market Place Association and Fred’s IGA for the public pathway running over Lots 6 and 7, Block 1, RRMP 4th Addition.
7. A recorded easement shall be executed for cross access over Lots 6 and 7, Block 1, RRMP 4th Addition, which shall allow for shared access/parking between the Rolling Ridge Market Place Association and Fred’s IGA.
8. A recorded easement shall be executed for Outlot A, RRMP & RRMP 4th Addition (Ash Street NE – private roadway), which shall allow access to/from Lots 3, 4, 5, and 6, Block 1, RRMP 4th Addition to/from Outlot A RRMP & RRMP 4th Addition.
9. No permanent buildings shall be permitted on Lot 6 or Lot 7, Rolling Ridge Market Place 4th Addition (designated parking/loading areas).

Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried.

7. MISCELLANEOUS

None

8. ADJOURNMENT

A motion was made by Duban and seconded by Sticha to adjourn the meeting. Vote for: Freid, Kodada, Dols, Duban, Sticha; Against: None. Vote: 5-0. Motion carried. Motion carried. The meeting ended at 7:41 pm.

Respectfully Submitted:

Benjamin Baker, City Planner