

WACONIA PLANNING COMMISSION  
THURSDAY February 4, 2021

Pursuant to due call and notice thereof, a regular meeting of the Waconia Planning Commission was called to order by Chairperson Sherman at 6:30 p.m. The meeting was held via Zoom due to the COVID-19 pandemic.

CALL MEETING TO ORDER.

MEMBERS PRESENT: Sherman, Zellman, Sarcletti, Ludford  
MEMBERS ABSENT: Grohmann and Leshner  
ALTERNATE: Ludford  
STAFF PRESENT: Braaten, Nelson, Stein  
VISITORS: See attached sheet  
CITY COUNCIL LIAISON: Pierson

**Braaten indicated one change to the agenda. Item B, Public Hearing for a variance request by Ryan Seifert for the property located at 309 Elm Street South to be removed from the agenda.**

2. ADOPT AGENDA: MOTION BY LUDFORD, SECOND BY SARCLETTI TO APPROVE THE AGENDA AS PRESENTED. ALL PRESENT VOTED AYE. MOTION CARRIED.
3. ADOPT MINUTES: MOTION BY LUDFORD, SECOND SARCLETTI TO APPROVE THE MINUTES FROM JANUARY 7, 2020. ALL PRESENT VOTED AYE. MOTION CARRIED.

**4. NEW BUSINESS:**

**A. PUBLIC HEARING – CONDITIONAL USE PERMIT BY BRIANNA LOVETT FOR THE PROPERTY LOCATED AT 9460 COUNTY ROAD 10 EAST.**

Brianna Lovett, the applicant, has submitted a Conditional Use Permit application to allow a garden center use on the parcel located at 9460 County Road 10 East. The property is in the south eastern portion of the city. The existing owners are Randy and Avis Hammer of Willow Winds Gardens.

Braaten shared the property location of 9460 County Road 10 on the map explaining the surroundings neighboring properties which includes the Interlaken 8<sup>th</sup> Addition residential development.

Braaten summarized the site plan and explained the conditional use permit requirements stated in City Code.

No public comments have been received.

Sherman asked for clarification on what was to be accomplished at this Public Hearing. The existing IUP will expire April 30, 2025 for Willow Winds and the IUP is specific to the existing property owner. The CUP request for Brianna Lovett would



Designed the parking lot so that semi-trucks can turn around and built the driveway so that the neighbors would not worry about dust.

Randy Hammer- appreciate the time and effort put into this project.

MOTION BY LUDFORD SECOND BY SARCLETTI TO CLOSE THE PUBLIC HEARING. ALL PRESENT VOTED AYE. MOTION CARRIED.

Discussion took place regarding surfacing the parking lot and driveway versus leaving it as it. Braaten indicated that if the Commission would want to change the timing of the paved surface from 5 years to 7 years, that could be apart of conditions of approval, but the City Code requires all parking surfaces to be improved to concrete or bituminous.

Lovett mentioned that every year companies are coming up with environmentally safe ways to hard surface areas. Hopefully by then there may be an option that works best for not only the city, but the property.

MOTION BY LUDFORD, SECOND BY ZELLMAN TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT BY BRIANNA LOVETT FOR THE PROPERTY LOCATED AT 9460 COUNTY ROAD 10 EAST WITH THE RECOMMENDED CONDITIONS OF APPROVAL. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

This item will be reviewed by the City Council on February 16, 2021.

**B. PUBLIC HEARING – VARIANCE REQUEST BY RYAN KOSTECKA FOR THE PROPERTY LOCATED AT 1018 MEADOW LANE.**

Nelson presented a Variance request for the applicants, Ryan and Jessica Kostecka, 1018 Meadow Lane, which requested approval to construct a shed in the rear yard of the property within the rear yard and side yard setbacks.

Nelson described the setback requirements in terms of what the Kostecka are presenting. A map of their property was presented showing the location of the proposed shed. Nelson went through the site survey explaining the location of the Linden tree, the easement area, the dimensions of the shed and the proposed location.

Ludford wondered about putting the shed up on blocks and if that would then not be considered a temporary structure/non-permanent. Nelson answered by stating that if the structure is there for a certain amount of time its considered permanent.

Sarcletti asked about the slope of the property and if there is any consideration to place the shed in other locations. Additionally, Sarcletti asked about the Linden Tree and if that falls into the category of unique. Stating that if the Linden tree were removed, the variance would not be needed.

Ryan and Jennifer Kostecka, 1018 Meadow Lane, Waconia, MN 55387

Comments and Concerns:

Sherman mentioned the error in the packet having the incorrect name Jessica Kostecka and should be Jennifer Kostecka.

Jennifer talked about the slope in the yard, an existing play structure, and additional trees that make it difficult to have the shed in other locations of the yard. The Public

Services Director visited the property stating that it would be sufficient to have a 4-foot setback between the property line and the shed.

SHERMAN OPENED THE PUBLIC HEARING.

No additional comments.

MOTION BY LUDFORD, SECOND BY SARCLETTI TO CLOSE THE PUBLIC HEARING. ALL PRESENT VOTED AYE. MOTION CARRIED.

Ludford commented on the variance criteria and indicated that the application appeared to meet the requirements.

Sherman did not agree that the variance fits the criteria as there are not any unique circumstances related to the property. Sarcletti agreed with Sherman's comments.

MOTION BY LUDFORD TO APPROVE THE SHED VARIANCE REQUEST BY RYAN AND JENNIFER KOSTECKA FOR THE PROPERTY LOCATED AT 1018 MEADOW LANE. MOTION FAILED DUE TO LACK OF A SECOND.

MOTION BY SHERMAN, SECOND BY SARCLETTI TO DENY THE SHED VARIANCE REQUEST FOR RYAN AND JENNIFER KOSTECKA. MOTION TO DENY PASSES WITH A 3-1 VOTE WITH LUDFORD VOTING "NAY". MOTION CARRIED.

This item will be reviewed by the City Council on February 16, 2021.

**C. PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT FOR THE PROPERTIES LOCATED AT 11585 AND 11725 HIGHWAY 5.**

Braaten presented the Comprehensive Plan Amendment for PID# 09271400 & 09270200. The City of Waconia 2040 Comprehensive Plan currently guides the subject parcels as Low and Medium Density Residential. The proposed comprehensive plan amendment is a procedural issue required by the Metropolitan Council and there are no substantial changes to the 2040 Plan. The amendment is required to show the change in the boundary of the City and that the desired land use is now the official guidance for the subject properties. Braaten described this as a boundary line adjustment. The properties were annexed into the City and platted as Orchard Park in 2020. The Comprehensive Plan was updated last year, and the Met Council requires the City to work through a Comp Plan Amendment each time a property located in Waconia township is annexed in the City Limits. The City has an orderly annexation with Lake township which gives us the planning authority to designate those areas for certain types of growth before they come into the City.

SHERMAN OPENED THE PUBLIC HEARING.

No Comments.

MOTION BY ZELLMAN, SECOND BY LUDFORD TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

MOTION BY SARCLETTI, SECOND BY ZELLMAN TO APPROVE THE COMPREHENSIVE PLAN AMENDMENT FOR THE PROPERTIES LOCATED

AT 11585 AND 11725 HIGHWAY 5. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

**D. SITE PLAN AND DESIGN REVIEW SUBMITTED BY DOUBLE SEVEN DEVELOPMENT FOR THE PROPERTY LOCATED AT 10610 10<sup>TH</sup> STREET WEST.**

The Site Plan and Design Review application was submitted by Double Seven Development for the property located at 10610 10<sup>th</sup> Street West. The property is currently undeveloped and was platted in 2016 as part of the Hilgers and Tenth Street Plat. The odd shape of the parcel is a result of the realignment of 10<sup>th</sup> Street West, which previously intersected with Hwy. 5 and now intersects at the stop light at County Road 10.

Braaten displayed the location of the parcel on the map and indicated that to the west was Aldi and to the east was Subway.

The applicant is proposing two vehicular access points onto 10<sup>th</sup> Street West. Due to the shape of the parcel the applicant is proposing an entrance and an exit access to help vehicular circulation. The accesses have been reviewed by the City Engineer and is recommending approval as proposed.

The structure setbacks, building height, and hardcover surface requirements have been satisfied based on a review of the Site Plan.

The off-street parking requirements stated for fast food establishment, drive-in restaurant are as follows: One (1) space for each 35 square feet of gross floor area and an additional two (2) parking spaces shall be added for drive through service facilities. The dining area square footage is 987 square feet, and the business will have drive through facilities, therefore the City Code would require a total of 31 parking spaces for the proposed use. The Site Plan is showing 34 parking spaces to be provided, which conforms to City Code requirements.

City Code requires that the applicant plant the required 29 trees on site. Staff has included a condition of approval requiring the landscape plan be updated to include the remaining three (3) trees. If the trees are not included, and cannot be planted on site, the applicant would need to request a variance from the City's landscaping regulations.

Braaten noted that staff has included a condition of approval indicating that a sign permit is necessary for any future signage and that all signage shall conform to Section 900.10 of the City Code. The applicant has proposed both wall signage and a monument sign for the project. The applicant is proposing three wall signs on three different facades. City Ordinance states "Three (3) Wall Signs located on separate building faces, one (1) covering a maximum of 10% of the building face on which it is located and each of the other two (2) covering a maximum of 5% of the building face on which it is located" shall be allowed for properties zoned B-1, Highway Business District.

The lighting plan will be revised to meet the one-foot candle requirement. Staff has included a condition of approval requiring said revision.

The plans identify a sidewalk accessing the property from the Subway property to the east. The sidewalk link would meet the City's pedestrian access standards but will

require written agreement between the two parties. Staff has included a condition of approval requiring the applicant submit a written agreement between the Subway property owners and the Dairy Queen site that will allow installation and maintenance of a permanent sidewalk access.

The trash enclosure is in the southwest corner of the property. The plans indicate the structure will be faced with the same EIFS material proposed on the principal structure and therefore conforms to City Code requirements.

The City Engineer and Public Services Director have conducted an initial review of the grading, drainage, and utilities. Any recommendation by the Planning Commission should include a condition requiring the applicant to work with the City Engineer to revise the utility and grading information to the satisfaction of the City prior to any work commencing on site. Additionally, staff recommends a condition of approval requiring connection to the storm water reuse system.

Ludford asked for clarification about the power line that goes through the property.

Sherman mentioned a landscaping strip to be a good option for this location.

Conversation followed regarding the Design Standards element to the Site Plan Review. Braaten indicated that the application met most of the design standards, but there were a few that required further consideration and conversation by the Commission. The building materials generally consist of metal panels and EIFS material. The design standards restrict metal/metal panels except for an accent material. Braaten stated that the metal materials are over the allowed 15% façade percentage and if they want to get approval as presented it would require a variance. The Planning Commission could include a condition of approval requiring the design to be modified to fit the 15% requirement. Conversations followed regarding the metal tower feature and options to either modify the design plan or to ask for a variance.

Braaten explained the ordinance regarding side and rear treatments needing to be the same or similar. Commission members had discussions about the exterior façade and treatments, color of the buildings.

Commissioners reviewed the elevations and asked for clarification regarding which areas were identified as metal and which were intended to be EIFS material. Discussion followed.

Sarcletti asked about the standard color to be aesthetically pleasing and compatible with surrounding buildings. Commented that the proposed design appeared to be consistent with the neighboring commercial properties. Conversation followed regarding the rear side of the building and consistency in design with the front and side elements.

Sherman mentioned EIFS on the trash enclosure with that being expectable as a finished surface. Braaten stated that it is conforming. Sherman's thoughts were that EIFS is so easy to damage.

Sherman addressed a bike rack because of the amount of foot traffic in this area. Braaten indicated that a bike rack is required by City Code and a condition of approval was recommended to require said improvement.

Janet Smith, the Applicant

Comments and Concerns:

Several challenges with this odd, shaped lot for placement of a building, the entrances, elevations, and parking.

Braaten summarized the comments and concerns stated by the Commission members:

- EFIS trash enclosure material. Commission members thought perhaps, brick, block or treated wood. Smith offered to work with Braaten to determine a product that would be more durable.
- Pedestrian access.
- Rear treatment of the building. Smith thought to wrap the darker colored EFIS material for added character. Braaten mentioned to add a recommendation that the architect work with staff to come up with a way to break up façade and add more continuity to the rear elevations.
- Smith stated that she would work with corporate to reduce the amount of metal other than the red piers. Commission members stated the concern is with the rear elevations. Smith will come back with a new set of plans for next month Planning Commission meeting.
- Landscaping buffers –additional shrubs and plantings in the island between the building and Highway 5 also between the island and exit.

MOTION BY SARCLETTI, SECOND BY LUDFORD TO CONTINUE THE SITE PLAN AND DESIGN REVIEW APPLICATION SUBMITTED BY DOUBLE SEVEN DEVELOPMENT FOR THE PROPERTY LOCATED AT 10610 10<sup>TH</sup> STREET WEST TO THE MARCH 4<sup>TH</sup>, 2021 PLANNING COMMISSION MEETING. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

**5. OLD BUSINESS:**

**A. VARIANCE INFORMATION REVIEW – 271 FAIR CIRCLE.**

Nelson presented an update of the variance request for 271 Fair Circle, Waconia, MN. Nelson provided a timeline of previous review dates and applications associated with the property. On September 3<sup>rd</sup>, 2020 the Planning Commission reviewed the initial variance request and recommended denial. The initial request included a request to allow a porch addition to be constructed at a setback of 22.5 ft from the rear yard setback and to exceed the maximum impervious surface allowed in the R-1, Single Family District, and the Shoreland Overlay District. This application was ultimately withdrawn and not reviewed by the City Council.

On December 3<sup>rd</sup>, 2020, the Planning Commission recommended denial of the applicants second request, which proposed only a deck addition to be constructed at a setback of 22.5 ft from the rear yard setback from the rear lot line versus the 30 ft. minimum required in the R-1 Single-Family Residential District.

Nelson presented the property location of 271 Fair Circle on the map to remind the Commissioners of the location of the subject property.

Nelson stated that the Council had requested the Planning Commission review the additional information submitted by the property owner's builder. Nelson then provided three options to the Commission:

- Direct staff to inform the City Council that the recommendation of denial remains the formal recommendation of the Commission.

- Provide additional informal feedback to the City Council based on the additional information.
- Make a motion to provide an updated recommendation to the City Council.

Ludford asked if the deck is considered a permanent structure. Nelson answered by stating that all decks are considered permanent structures.

Ludford mentioned section 900.05, stating that permitted accessory uses are listed as gazebo's, decks, private garages, and utility buildings. Braaten commented that there is a differentiation between accessory uses and accessory structures. Decks connected to the principal structure are part of the principal structure and are required to meet those setbacks.

Dale Willenbring- 1536 Beachcomber, Waconia, MN

Comments and Concerns:

As a builder he felt confused with the deck building process in the City of Waconia.

Comments on the odd shaped lot. Willenbring went through the criteria and feels it applies.

Willenbring mentioned that the neighbors are okay with the proposed deck plan.

Lori Goldman- 271 Fair Circle, Waconia, MN

Comments and Concerns:

Goldman stated they just want a deck on the back of their home. Since it is just the corner of the deck, they are hoping for some consideration to approve.

Expressed appreciation for all the effort put into evaluating this situation.

The Commissioners reviewed all of the information and after some discussion, unanimously recommended that the previous recommendation of denial stand as the formal recommendation of the Planning Commission.

## **5. OTHER:**

### **A. STAFF UPDATE.**

- Comp Plan amendment for 9550 Airport Road was approved by the City Council.
- The demo permit for the two homes on 2<sup>nd</sup> street have been taken down in anticipation of the 8-unit apartment building to be constructed.
- Annexation petition submitted by Tamarack Land Development for the Burandt Property.
- Annexation petition submitted by the Siegle family for the property located southwest of the intersection of Hwy. 284 and Sparrow Road.
- Orchard Park located in the SW corner of the City has submitted their final plat application.
- Still nothing happening at the UFC.

Sherman asked about the 15% metal accent requirement, his thoughts are to open this topic up to further discussion to change the requirement. Braaten stated that this could be added to a future work session for discussion.

March meeting will remain in Zoom format.

Ludford asked about the timeline on Highway 5. Braaten stated this project may be pushed out to 2025 but will check on the timing.



THERE BEING NO FURTHER BUSINESS, MOTION BY LUDFORD TO ADJOURN  
AT 9:00 PM, SECOND BY SARCLETTI. ALL PRESENT VOTED AYE. MOTION  
CARRIED.

Respectfully submitted,

Brenda Stein  
Recording Secretary