

WACONIA PLANNING COMMISSION
THURSDAY SEPTEMBER 5, 2019

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

1. CALL MEETING TO ORDER.

MEMBERS PRESENT: Ludford, Grohmann, Meisch, Hebeisen and Lesher.
MEMBERS ABSENT: Vilmain
ALTERNATE: Ludford-present
STAFF PRESENT: Braaten, Nelson, Stein
VISITORS: See attached sheet
CITY COUNCIL LIAISON: Erickson- present

No changes to the agenda. Braaten mentioned the additional public hearing comments received.

2. ADOPT AGENDA: MOTION BY GROHMANN, SECOND BY MEISCH, TO APPROVE THE AGENDA AS PRESENTED. ALL PRESENT VOTED AYE. MOTION CARRIED.

3. ADOPT MINUTES: MOTION BY GROHMANN, SECOND BY LESHER TO APPROVE THE MINUTES FROM AUGUST 1, 2019. ALL PRESENT VOTED AYE. MOTION CARRIED.

NEW BUSINESS:

A. PUBLIC HEARING – AMEND SECTION 900.06, SUB.8 – REGARDING TREE PRESERVATION REGULATIONS.

Braaten presented the Tree Preservation Regulations Ordinance Amendment. Braaten gave a brief explanation on the process of the amendment. The Wooded Lot definition states that a parcel one acre or greater platted for residential development, exceeding 75% summer tree canopy, on which 20% is retained for natural preserve. Wetlands are exempt for this calculation. If this standard is met, it's stated under Subd. 8 there would be a section that reads for wooded lots, the maximum reforestation requirement shall be limited to eight trees per platted lot, in addition to those required by Section 900.07, Subd. 2, of the City Code. Cash restitution in lieu of planting shall not apply when using the wooded lot definition.

Braaten explained the proposed amendment which would define wooded lots, natural buffer areas and include a maximum tree replacement amount under the City's Environmental Protection Regulations. This language was created to limit tree replacement to 8 trees per lot, create a draft definition stating what types of parcels would apply and restrict the payment of restitution to properties where the woodlot limits is not applied.

Staff is looking for a recommendation to provide to the City Council regarding the proposed language. Braaten added that there is one more section to the ordinance amendment in which the existing tree restitution could be used for tree disease mitigation.

Ludford commented on the City of Waconia being a part of Tree City USA, what it means, the requirements and how this amendment would impact the city's designation as Tree City. Braaten stated that he would need to talk with the Public Services Director and look up requested information on Tree City USA.

HEBEISEN OPENED THE PUBLIC HEARING.

Joe Pogatchnik-380 Burandt Boulevard, Waconia, MN 55387

Comments and Concerns: Pogatchnik displayed the map taken from the Waconia Comprehensive Plan, showing the areas designated as environmental protection areas pointing out the Woodland Creek property. Pogatchnik pointed out the history of wooded areas in Waconia such as Willowbrooke that were developed under our current ordinance and wants the ordinance to stay as is. Pogatchnik then displayed the calculation work sheet from the City Council work session and did a comparison of existing calculations to the amounts being proposed through the ordinance change.

Greg Bauman-1371 Creekside Drive, Waconia, MN 55387

Comments and Concerns: Bauman wants to protect the trees we have in our city and does not want to see the trees and resources taken away. Bauman requested the ordinance stay the way it is with no changes.

Tina Barylak-697 Tanager Road, Waconia, MN 55387

Comments and Concerns: Barylak's concerns were that taking all the larger trees and replacement of these trees takes a very long time. Barylak is concerned that 8 trees for replanting is not nearly enough. Barylak is wanting the wording of the ordinance to stay as is and stated to leave Waconia as is....a tree city.

Terry Hartman-Hartman Communities, LLC, Woodland Creek:

Comments and Concerns: Hartman stated that the majority of the trees in the Woodland Creek development are 12 inches in diameter or less. He stated they were regrowth trees from grazing and not agriculture production. The trees are so close together that they are not growing properly and the tree canopies are inhibited. The Comprehensive Plan states this is still a developable piece of property. Hartman added the proposed amendment request to change is not for all new developments, it's a request to change an extremely unique and rare selected few pieces of property.

Hebeisen asked Hartman about the number of larger mature trees that are proposed to be taken down as part of the Woodland Creek development. Discussion followed.

Brent Hislop- Synergy Land Company.

Comments and Concerns: Hislop explained the intent is not to remove trees, but to understand this type of property and the amount /type of trees it has. Hislop displayed pictures of the property mentioning it being a pasture that randomly starts growing trees.

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

Hebeisen mentioned Pogatchnik's statement regarding Woodland Creek being in an Environmental Protection area and the developer states the property is zoned for development. Braaten explained that the property is guided for development, but is also identified as environmentally significant. This lends itself to the use of a PUD to protect the resource and still allow a certain amount of development on the property. Hebeisen stated that Barylka referenced the guidance of tree types being planted and the requirements that the City dictates the specific types of trees to be planted. Hebeisen mentioned Hartman's statement regarding the number of trees on the property that are invasive, exotic trees so when calculating the restitution fees, these specific trees were not counted in the math for the restitution amount. Braaten explained the extensive process that they went through to calculate and determine the tree count and restitution amount.

Meisch talked about the process that lead to the proposed ordinance change for the Tree Preservation.

Ludford asked if the City will need to abide by the same ordinance if and when they are changed. Braaten explained that the City would be held to the same standards and ordinance requirements.

Leshar asked for the definition of a significant tree which is explained as being over 6 inches in diameter. Discussion took place regarding the size change to possible be 8' or 12' as an alternate to the wooded lot ordinance.

Hebeisen reminded the Commission that the language of the proposed amendment change is specifically for rare wooded property's that meet strict requirements. If the requirements are not met, this ordinance does not apply. Much discussion took place regarding property, lots and scenarios that could apply to the proposed ordinance amendment change.

Leshar asked to consider changing the criteria for significant trees and to have additional conversations regarding tree canopy, potential areas that could apply to this change and tree replacement.

Ludford brought up the fact that he personally needs more information regarding Tree City USA and would like to know what's involved with keeping the status. Ludford does agree with the restitution paid to be used for reforestation and tree disease mitigation.

Leshar talked about the definition and description of Wooded Lot.

MOTION BY HEBEISEN, SECOND BY GROHMAN TO RECOMMEND APPROVAL AS WRITTEN AND TO ADD FOR THE CITY COUNCIL TO REVIEW THE IMPACTS OF THE TREE CITY USA DESIGNATION. MOTION FAILED WITH A 2-3 VOTE WITH HEBEISEN AND GROHMANN VOTING "AYE" AND MEISCH, LESHER AND LUDFORD VOTING "NAY."

MOTION BY LESHER, SECOND BY MEISH TO RECOMMEND DENIAL OF THE LANGUAGE AS WRITTEN WITH THE EXPECTATION OF THE TREE DISEASE MITIGATION. MOTION PASSED VIA 3-2 VOTE WITH MEISCH, LESHER AND LUDFORD VOTING “AYE” AND HEBEISEN AND GROHMANN VOTING “NAY”. MOTION CARRIED.

Lesher reconfirmed his comments stated below to pass along to City Council:

- change the definition of significant tree.
- analyze what lots would fall under the wooded lot definition.

Braaten stated that comments, such as significant tree analysis, tree diameter and to address Tree City USA will be brought to City Council.

B. PUBLIC HEARING – SITE PLAN AND DESIGN REVIEW, VARIANCE AND INTERIM USE PERMIT – 1 MICRO, 902 PINE STREET SOUTH.

Nelson explained the request is for a Site Plan and Design Review application to allow construction of a 60' x 80' addition to the existing building. The variance is to allow the exterior building materials to match the steel siding of the existing building. The Industrial District Design Standards do not allow steel siding as a permitted material. Lastly is consideration of an Interim Use Permit application to allow for the improvement of an unsurfaced parking lot.

Nelson demonstrated the location the three parcels. The subject parcel, 902 Pine Street South contains the existing 11,771 sq. ft. industrial building occupied by 1 Micro, LLC. The applicant also owns two surrounding parcels to the west and south of their principal structure. The parcels lay between residential homes to the south, commercial/industrial to the north and to the east is the Public Services building. There is also an existing gravel surface located on part of the western parcel.

The subject parcels are zoned I-2, General Industrial District. Manufacturing and warehousing are permitted uses in this district. There is an existing access located off Pine Street South that services all three of the parcels.

The proposed 80 ft. x 60 ft. warehouse would require an additional 7 parking spaces to be in conformance with City Ordinance requirements. The applicant has not submitted a proposed parking plan to show it meets the aforementioned requirements at this time due to the IUP request. The applicant would be required to submit a plan in conformance with City Ordinance and staff requirements prior to the IUP expiration date.

The site plan indicates a trash enclosure to be located by the northwest corner of the proposed addition. The enclosure shall be totally screened from eye-level view from public streets and adjacent residential properties.

The parking lots that abut a residentially zoned area shall be screened to minimize the visual impact of the large expanses of asphalt and automobiles. This screening can be accomplished by an earth berm with shrub plantings or by a hedge with various deciduous and coniferous trees or by other combinations approved by the Planning Commission. Trees planted to satisfy the requirements will not be counted towards the

requirement of 1 tree per 1,000 square feet of building unless otherwise specified by the Planning Commission.

The applicant also indicated that due to the closeness of the abutting gravel surface with United Farmers' Cooperative there is a need to revise the proposed landscaping. Any revisions to the landscaping will be required to comply with City Ordinances. Section 900.07, Subd. 2.A of the City Ordinance requires one (1) tree for every one thousand (1,000) square feet of total building floor area.

The proposed structure addition of 4,800 sq. ft., requires the applicant to plant 4.8/5 trees on site. The applicant is proposing 5 total trees to be planted, which meets City Ordinance requirements.

Nelson explained the reason for the Variance request was the proposed exterior building material. The Planning Commission can approve exterior materials that the Commission, in its discretion, determines are compatible with these materials if it finds that: 1) The quality and appearance of the proposed materials is consistent with the standard that has been set within the District; and 2) The use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

Nelson explained the Variance criteria to the Planning Commission Members to consider the following:

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).

Nelson provided pictures of the sight and the surrounding facilities, topography and an aerial view of the property.

Nelson broke down the Interim Use Permit Review for the project stating the permit should be approved if all of the following requirements can be identified with certainty. Permission of the use will not impose additional costs on the public if it is necessary for the property in the future and the user agrees to any conditions the City deems appropriate for permission of the use.

Nelson described the unsurfaced parking lot for the project, stating the City Engineer will review any submittals for dust control and make sure the site has drainage. The unsurfaced parking area shall also provide a bumper or fence along the edge of the lot to ensure no vehicle encroaches into landscaped yard areas.

Hebeisen acknowledged that the Interim Use Permit is basically for the gravel parking lot. The gravel parking lot has been existing for some time so it's considered grandfathered in. Some site improvements and updating the parking requirements are proposed with the addition to this property. Nelson explained the IUP for the gravel

parking lot and what is expected. Braaten spoke of the three year window for the unsurfaced parking lot.

Leshar asked about the external storage and what the definition would be for outdoor storage. Nelson explained the I-1 district and the fact that the I-2 district does not prohibit exterior storage. Nelson also explained that it's allowed to use exterior storage unless other ordinances are violated. Braaten reconfirmed there is no specific explanation for exterior storage.

HEBEISEN OPENED THE PUBLIC HEARING

James Hoops – 1 Micro, 902 Pine Street South.

Comments and Concerns: Hoops stated that he could answer any questions. The parking lot is a big concern and the company is asking for grant money to help with the cost of the future improved parking lot.

Hebeisen asked about recommended condition of approval item number 5 regarding indirect cost and to talk about the landscaping requirements. Hoops mentioned they will do whatever it takes to comply with the landscaping requirements. Nelson indicated that under a standard condition all city ordinance requirements must be met.

Grohmann asked if the new space is taking the place of the storage trailers and if the trailers would be moved from the property. Hoops stated they are trying to eliminate the trailers being used for storage when the new space is built, but no gaurentees that all trailers will be removed.

Leshar talked about the letter received from the neighboring property regarding the trailers and vehicles being stored. Leshar request that when a landscaping plan is submitted they should involve the neighbors in the planning.

MOTION BY GROHMANN, SECOND BY MEISCH TO APPROVE THE SITE PLAN AND DESIGN REVIEW, VARIANCE AND INTERIM USE PERMIT FOR 1 MICRO, 902 PINE STREET SOUTH TO INCLUDE THE 11 CONDITIONS OF APPROVAL AS STATED BELOW.

1. The proposed improvements shall be completed as approved and as conditionally revised by the Planning Commission and the 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. Grading, drainage, and utilities shall be resolved to the satisfaction of the City Engineer, the Public Services Director and the Community Development Director prior to the issuance of the building permit.
4. The applicant shall provide the City with a letter of credit or escrow to guarantee the proper installation and growth of the approved landscape plan. The escrow or letter of credit shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The letter of credit/escrow shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.

5. All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The landscape plan as proposed is in compliance with City Ordinance requirements. Future modifications to the landscape plan shall be reviewed and approved by City Staff to insure compliance with ordinance requirements.
7. The Interim Use Permit shall expire in three years from the date it is approved by the City Council, at which time the improved areas shall be removed and restored with six inches of top soil and grass seed or sod as required by City Code, or the improved areas shall be converted into a permanent parking lot per the City Code standards and to the satisfaction of the Public Services Director, City Engineer and Community Development Director.
8. All future signage shall require a sign permit from the City of Waconia. The specific details regarding each sign shall be reviewed for conformance to City Ordinance requirements.
9. Any future exterior lighting shall require submission of a lighting plan meeting the Exterior Lighting standards found in Section 900.08, Subd. 1.C.
10. Any future outdoor mechanical equipment shall be screened per City Ordinance requirements.
11. The applicant shall contact the City Planning Department for a final site inspection when all conditions of approval regarding this application have been completed.

ALL IN FAVOR VOTED AYE. MOTION CARRIED.

STAFF UPDATES

- Shores of Lake Waconia was approved by Council with one modification regarding allowing one boat lift with canopy per lot.
- Rachel Development is doing work in Lake Waconia Regional Park.
- 17 new homes permits have been issued so far this year.
- Vista Ridge permit is being reviewed with hopes of construction starting in late September early October.
- Nelson announced the permit has been issued for 304 Main Street East for the garage that burnt down.

THERE BEING NO FURTHER BUSINESS, MOTION BY LESHER TO ADJOURN AT 8:17 PM, SECOND BY MEISCH. ALL PRESENT VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Brenda Stein
Recording Secretary