

TO: Planning Commission Members  
Honorable Mayor and City Council Members  
FROM: Shawn Wetterlin, Building/ Zoning Official  
DATE: February 8, 2017  
RE: Meeting Minutes,  
Tuesday, February 7, 2017

The Planning Commission met at 5:30 p.m., on Tuesday, February 7, 2017 in the City Council Chambers at City Hall. The Following members were present: Donald Smith, Jerry Steffes, Dave Hanifl, Linda Larson, Patti Dockendorff and Mani Edpuganti. Building/ Zoning Official, Shawn Wetterlin was also in attendance. Richard Wieser and City Council Member Brian Krenz were not in attendance.

1. The meeting was called to order by Chairman, Smith. The meeting minutes of November 21<sup>st</sup> and December 6<sup>th</sup> were approved as distributed by consensus of all present Planning Commission Members.
2. The Planning Commission held elections as per the Planning Commission rules and bylaws. Elections were held for chairperson and a vice-chairperson. Chairperson Donald Smith was reappointed as chairperson and Planning Commission member, Linda Larson was appointed as the vice-chairperson.
3. The Planning Commission of the City Zoning Authority held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, February 7th, 2017 at 5:40 o'clock P.M. to consider an application for the following Variances. The variance request concerns certain premises situate in said City described as follows; parcel # 25.0691.000 better known as 422 Shore Acres Road.

Variance #1:

Allow for a house to be built with a roof pitch less than 4/12, when the Zoning Ordinance, section 12.52, Subd. 17 (page 161) states the minimum roof pitch of single family homes shall be 4:12, or 4 inches rise for every 12 inches horizontal run.

Public Hearing opened, Zoning Official Shawn Wetterlin presented a letter form Jon Netzer, 426 Shore Acres Rd. stating he had no concerns with all three Variances.

The property owner's architect, presented the requested variances. The architect indicated that he has engineered many flat roofs for residential homes and has used or exceeded current design standards.

Public Hearing was then closed as no member of the public wished to be heard on the matter.

Planning Commission member, Hanifl noted that flat roofs are more prone to problems than pitched roofs also noted that an elevation mark on the certified survey plan may not be accurate.

Motion was made by Larson, seconded by Hanifl to approve the variance request with no conditions. Notation was made of the architect's assurances.

Upon roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact.

- a. The request will not alter the essential character of the locality as there are other homes in the neighborhood with modern design and flat roofs.
- b. There were no concerns registered from neighbors.
- c. The building will be certified by a structural engineer who will stamp the plans before submitting them to the building official.
- d. The plans show interesting architectural detail that embraces the flat roof design that has been engineered for snow loads and is not designed as a gathering place.

Variance #2:

Allow for a setback of 45 feet from the Ordinary High Water Line when the Zoning Ordinance, section 12.45, Subd. 3, (page 142) states a setback of 50 feet from the Ordinary High Water Line.

Motion was made by Dockendorf, seconded by Larson to approve the variance request with no conditions. There was a discussion on the methodology use to determine the OHWL elevation.

Upon roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact.

- a. The MNDNR has reviewed the plans and has registered additional no concerns other than the general need for compliance with City Zoning.
- b. The river bank is not a parallel line to the most reasonable orientation of the home.
- c. The requested Variance has been reduced in discussion and is the minimum amount of Variance to achieve the desired outcome of unobstructed view of the river and now encompasses only a small sliver of home as shown on the drawings.
- d. No concerns have been registered from neighbors.
- e. The Variance does not make the dwelling more visible from the watershed and is not a projection further into the flow of the river than the neighboring dwelling.

- f. The encroachment does not increase the filled portion of the river bank reducing the water storage capacity of the river and thus, although minimally, increase downstream flooding.
- g. The requested Variance does not alter the essential character of the neighborhood.

Variance #3:

Allow for a home to be built with the attached garage 19 feet in front of the principal dwelling when the Zoning Ordinance, section 12.14, Subd. 6.4 of the Zoning Ordinance (page 52) states, attached garages shall have the same or greater set back from the street as the principal structure.

Motion was made by Hanifl, seconded by Edpuganti to approve the variance request with no conditions.

Upon roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact.

- a. The request will not alter the essential character of the locality. Since other similar Variances have been granted on Shoreland lots with large setbacks. The setback from the road to the dwelling is over 180 feet rendering purposes of esthetic view of garage from the street and dwelling 'interaction' with the street front pedestrian traffic less an issue. The garage and home are well integrated with the garage 'well detailed' to not appear as a garage with home attached.
  - b. With the deep set back of the lot, the garage blends in with the rest of the structure.
  - c. This is a reasonable request for a lot that is longer than wider and the property would be in harmony with the purposes and intent of the ordinance if the Variance is granted.
  - d. No concerns have been registered from neighbors.
  - e. The City has allowed similar variances in the past with deep lots.
4. The Planning Commission of the City Zoning Authority held a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, February 7th, 2017 at 5:55 o'clock P.M. to consider an application for the following Variances. The variance request concerns certain premises situate in said City described as follows; parcel # 25.1824.000 better known as 754 Shore Acres Road.

Variance #1:

Allow for a setback of 42 feet from the Ordinary High Water Line when the Zoning Ordinance, section 12.45, Subd. 3, (page 142) states a setback of 50 feet from the Ordinary High Water Line.

Public Hearing opened with Zoning Official, Shawn Wetterlin stating that he received a phone call from Randy Gibson, 746 Shore Acres Rd. stating he had no concerns with all three requested variances. Carl Francksen, 756 Shore acres road was present at the meeting also had no concerns on all three variances.

Public Hearing was then closed as no member of the public wished to be heard on the matter.

Motion was made by Hanifl, seconded by Dockendorff to approve the variance request with no conditions.

Upon roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact.

- a. The MNDNR has reviewed the plans and has registered additional no concerns other than the general need for compliance with City Zoning.
- b. The river bank is not a parallel line to the most reasonable orientation of the home.
- c. No concerns have been registered from neighbors.
- d. The Variance does not make the dwelling more visible from the watershed and is not a projection further into the flow of the river than the neighboring dwelling.
- e. The encroachment does not increase the filled portion of the river bank reducing the water storage capacity of the river and thus, although minimally, increase downstream flooding.
- f. The requested Variance does not alter the essential character of the neighborhood.
- g. There is a rear setback exception for shoreland lots of 100 feet or less of 15 feet but no exception for lots of 101 feet or more. The Planning Commission is considering 'scaling' the exception for lots of up to 115 feet in depth. This change would eliminate the variance.
- h. The variance is for a corner of the home as shown on the drawing is the minimum required to achieve a reasonable home design for the size of the lot.

Variance #2:

Allow for a home to be built with the attached garage 6 feet in front of the principal dwelling when the Zoning Ordinance, section 12.14, Subd. 6.4 of the Zoning Ordinance (page 52) states, attached garages shall have the same or greater set back from the street as the principal structure.

Motion was made by Larson, seconded by Dockendorff to approve the variance request with no conditions.

Upon roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact.

- a. The request will not alter the essential character of the locality. Since other similar Variances have been granted on Shoreland lots with large setbacks. The setback from the road to the dwelling is over 180 feet rendering purposes of esthetic view of garage from the street and dwelling 'interaction' with the street front pedestrian traffic less an issue. The garage and home are well integrated with the garage 'well detailed' to not appear as a garage with home attached.
- b. With the deep set back of the lot, the garage blends in with the rest of the structure and the second garage face is set 18 feet further back limiting the concern of 'garage with home attached'. The front door area is obvious and prominent.
- c. This is a reasonable request for a lot that is longer than wider and the property would be in harmony with the purposes and intent of the ordinance if the Variance is granted.
- d. No concerns have been registered from neighbors.
- e. The City has allowed this Variance in the past in similar circumstances.
- f. The layout is consistent with front yard setbacks zoning requirements.

Variance #3:

Allow for garage to be 58 percent (2 feet 3 inches) of the ground floor street-facing linear building frontage when the Zoning Ordinance, 12.14, Subd. 6.3 of the Zoning Ordinance (page 52) states, garages shall not comprise more than 55 percent of the ground floor street-facing linear building frontage.

Motion was made by Hanifl, seconded by Edpuganti to approve the variance request with no conditions.

Upon roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact.

- a. The request will not alter the essential character of the locality.
- b. There were no concerns registered from neighbors.
- c. The plans show interesting architectural detail.
- e. The second garage is set 18 feet further back limiting the concern of 'garage with home attached'. The front door area is obvious and prominent.

5. The Planning Commission of the City Zoning Authority held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, February 7th at 5:55 o'clock P.M. to consider the application for a conditional use permit to allow for an "Alternate elevation method other than the use of fill to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation" in a flood fringe area in an R-1A zoned district. The conditional use request concerns certain premises situate in said City described as follows, to wit: parcel number 25.1824.000, more commonly identified as 754 Shore Acres Road, La Crescent, MN.

Motion was made by Steffes, seconded by Larson to recommend to the City Council to approve the Conditional Use Permit for "Alternate elevation method other than the use of fill to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation" with two conditions.

- a. The home owner sign the non-conversion form allowing City staff to inspect the flood openings to insure they are operational
- b. The lower level only be used for storage.

Upon roll call vote, all members present voted in favor of the motion as proposed.

It was also suggested by Hanifl that the homeowner verify insurance costs for using the alternate flood opening method.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact.

- a. The enclosed area is above grade on at least one side of the building.
- b. The enclosed area is designed to internally flood.
- c. The enclosed area is constructed with flood resistant materials.
- d. The enclosed area is used solely for storage.
- e. Complies with FEMA and DNR designs and regulation.

6. The Planning Commission of the City Zoning Authority held a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, February 7th, 2017 at 6:10 o'clock P.M. to consider the application for a variance to allow for the construction of a fence to be built 5 feet 3 inches high when the Zoning Ordinance, section 12.10, subd . 8, (page 33) states front yard fences may be solid or open and shall not exceed four (4) feet in height. The variance request concerns certain premises situate in said City described as follows; parcel # 25.1818.000 better known as 730 Shore Acres Road.

Building/ Zoning Official, Shawn Wetterlin gave an overview of the Variance request. The home owner, Bob Hemp started the fence without obtaining a permit. The building official issued a stop work order but the home owner continued to erect the fence. The fence was installed to close to the road as per Zoning Ordinance and also at height on 5 feet three inches at the highest point. The home owner did move the fence back to the required zoning distance but has not addressed the height limit of four feet high. The home owner was also instructed not to store his boat within the fifteen foot set back from the road edge, but the home owner still has the boat stored in the fifteen foot set back area.

Travis & Monica Murray, 728 Shore Acres spoke in favor of the fence.

Public Hearing was then closed as no member of the public wished to be heard on the matter.

Motion was made by Steffes, seconded by Dockendorff to table the variance request till the next Planning Commission meeting. The Building Official will get copies of the fence ordinance to all Planning Commission members and the property owner was invited to meet with the zoning

official to see if the property owner can come up with a reasonable alternative or if fence language might reasonably be modified. The fence is open design and not as much an issue as 'stockade' style fences. The need is to have a zoning requirement that treats all residents consistently.

Upon roll call vote, all members present voted in favor of the motion as proposed.

7. The Planning Commission Chair reviewed the Code of Conduct policy with the Committee. There were no questions or clarifications.
8. The Planning commission review the Rules/ Bylaws, there was discussion of adding language that would limit how many terms a member could serve. Larson and Steffes who spoke to different sides of the issue will come back with a proposal prior to this topic being considered.
9. The Planning Commission reviewed the newly created, Planning Commission job description.
10. Chairman, Smith gave an update on the Downtown Planning process. There will be a Public meeting on February 22 at the Community Center the time was yet to be determined.
11. Chairman, Smith said there are no new updates on the possible Race Track property development.
12. It was discussed that Planning Commission members should review the Comprehensive Plan to develop the 2017 work plan for the next Planning commission meeting.
13. The Planning Commission called for a public Hearing to Zone the recently annexed parcels at the next Planning commission meeting.
14. The Planning commission formed a Bike Pedestrian Committee. Appoints were made and confirmed: Linda Larson will chair the bike Ped Committee along with Mani Edpuganti and resident Jason Ludwigson as members. There is two LAPC grants to be completed. Jason and Smith will see that they are submitted. Grants total \$25,000 and require a City match.
15. The Planning Commission reviewed the Park and Rec meeting minutes dated January 19, 2017.
16. The Planning Commission reviewed the preliminary site plan Veterans Park.

Meeting Adjourned at 8:00 p.m.

Respectfully, Shawn Wetterlin