

TO: Honorable Mayor and City Council Members
Planning Commission Members
FROM: Paul Kenaga, Building Official/Zoning Administrator
DATE: June 7th, 2013
RE: Planning Commission Minutes

The Planning Commission met at 5:15 p.m., on Tuesday, June 4th 2013, in the City Council Chambers at City Hall. The following members were present: Don Smith, Jerry Steffes, Linda Larson, Richard Wieser, Earl Welch, Dave Hanifl and Ex-officio member John Graf and Shawn Wetterlin. Planning Member Randy Corcoran and Ex-officio member Bill Waller were not present. Paul Kenaga was also in attendance

1. Meeting was called to order by Chairman Smith and roll call taken. The minutes of May 7th 2013, were approved as written by the consensus of the Planning Commission.
2. Chairman Smith informed the audience that the variance standard that was given to the applicants was the old standard-“Undue hardship,” instead of the new standard that was passed by the Supreme Court concerning "Practical difficulties” that is explained below.
 - A. "Practical difficulties," as used in connection with the granting of a variance, means that
 - (i) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - B. Variances shall only be permitted
 - (i) when they are in harmony with the general purposes and intent of the ordinance and
 - (ii) when the variances are consistent with the comprehensive plan.

Chairman Smith that offered any applicant to withdraw if desirable and the Planning Commission would suggest that the fee be returned; or, if they would like to study these requirements some more and come back, that the matter would be tabled until the next regular meeting.

5:20 - Public Meeting

3. The Planning Commission opened a public meeting to consider the application for a variance to allow for the construction of a 923 sq. ft. accessory building that has a flat roof that is 17' above grade while the zoning ordinance limits an accessory building to 15' in height (12.10, Subd 5, F); and requires a minimum 4/12 roof pitch (12.52, Subd 17) in a R-1B district.

The variance request concerns certain premises situate in said City described as follows, parcel id # 250564000, to wit; more commonly identified as 432 South 10th Street.

Motion by Steffes, seconded by Wieser to table this request until the new regular meeting of the Planning Commission.

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

In recommending that the variance request be tabled, the Planning Commission referenced the following findings of fact:

1. The applicant has requested the delay to study the correct standard of "practical difficulties" in determining a variance request.

Chairman Smith than asked Paul Kenaga to arrange a meeting with Steve Schams, Dave Hanifl, Paul Kenaga and himself to discuss this matter further in the upcoming week.

4. The Planning Commission had discussion concerning consideration of a recommendation to the City Council for a no fee requirement for variances related to garages forward of the principal structure for lots of record as of the date of adoption be passed.

Motion by Wieser, seconded by Hanifl to recommend to the City Council that a policy for a no fee requirement for variances related to garages forward of the principal structure for lots of record as of the date of adoption be passed.

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

Chairman Smith indicated that he had reviewed this with the City Administrator. Some previously platted lots will have difficulty but the City has an interest as the garages forward forces some homes back into bluffs resulting in other issues of safety and water runoff. Thus the ability to review and provide conditions may be helpful in some situations.

5:40- Public Meeting

5. The Planning Commission opened a public meeting to consider the application for a variance to allow for the construction of a new residential structure with the garage set back in front of the principal structure while the zoning ordinance requires attached garages to be at the same or greater set back as the principal structure (12.15, Subd. 6, A., 4.)

The variance request concerns certain premises situate in said City described as follows, Lot 23, Block 2, Apple Blossom Acres 2 Addition, to wit; more commonly identified as 539 Red Apple Drive.

Steve Schieber informed the Planning Commission of the consequence of setback rules in relationship to the steeper lots of Apple Blossom Acres. Requiring the garage to be setback more increases the driveway square footage and thus decreases the amount of impervious coverage available for a home. Also, the steeper the lot, the further back the garage would be forced if not allowed in front of the house. This plat was designed to comply with the zoning ordinance that was current at the time of recording.

Marti Welch, the owner of the lot at 539 Red Apple Drive explained that if the setback rules remained as they were when the plat was recorded, there would be no problem.

Mr. George Smith, who was past owner of the property, discussed the 3" telephone cable line that runs through the middle of the property Marti Welch owns. Don Smith explained that the City knows about the particular problem and is concerning. Chairman Smith suggested that Bill Waller and himself were planning a meeting with the developer on several other topics and would add this to the agenda. George Smith is seeking legal opinion on whether there was a failure to disclose a problem that makes the lots 'unbuildable' without relocation of the cable. There is a quote for \$14000 to relocate the cable.

Motion be Wieser, seconded by Steffes to approved the variance request to allow for the construction of a new residential structure with the garage set back in front of the principal structure while the zoning ordinance requires attached garages to be at the same or greater set back as the principal structure (12.15, Subd. 6, A., 4.)

The variance request concerns certain premises situate in said City described as follows, Lot 23, Block 2, Apple Blossom Acres 2 Addition, to wit; more commonly identified as 539 Red Apple Drive.

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

In recommending that the variance request be approved, the Planning Commission referenced the following findings of fact:

1. The plight of the landowner is due to circumstances unique to the property not created by the landowner
2. The location of the drive way of the proposed garage will be located on the smallest of the slopes on this lot with passage of the variance.

6:00- Public Meeting

6. Planning Commission opened a public meeting to consider the application for a variance to allow for the construction of a 480 sq. ft. addition to an accessory building that is presently 720

sq. ft. while the zoning ordinance limits accessory buildings to 925 sq. ft. (12.10, Subd. 5, D.) and limits garages to a maximum of 55% of the street-facing linear building frontage (12.15, Subd. 6, A., 3.) in a R-1A district.

The variance request concerns certain premises situate in said City described as follows, parcel id # 251022000, to wit; more commonly identified as 816 Welshire Drive.

Again the ‘practical difficulties’ standard vs the ‘undo hardship’ were discussed as they had not previously been discussed with the applicant.

There was much discussion concerning the exact meaning of “limits garages to a maximum of 55% of the street-facing linear building frontage.” Is this 55% of just the residential section of the building facing the street? Or is it 55% of the entire building that faces the street, residential and garage combined?

Motion by Steffes, seconded by Welch to table this request until the next regular meeting of the Planning Commission.

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

In recommending that the variance request be tabled, the Planning Commission referenced the following findings of fact:

1. The applicant has requested the delay to study the correct standard of “practical difficulties” in determining a variance request.
2. The exact meaning of “limits garages to a maximum of 55% of the street-facing linear building frontage” needs to be determined.

Chairman Smith than asked Paul Kenaga to arrange a meeting with Gary Beisinger, Dave Hanifl, Paul Kenaga and himself to discuss this matter further in the upcoming week.

7. The Planning Commission took final action of the proposed text amendments to the zoning ordinance in the Blue Book in red type.

Motion by Hanifl, seconded by Larson to recommend to the City Council to approve the proposed text amendments to Chapter 12, Zoning Ordinance, City of La Crescent in the blue cover book as noted red type. Also included were the text changes that have been added by the committee and will be outlined for the Council in a handout. Most of the changes are of a ‘housekeeping’ nature with substantive changes related to Solar collectors, Pole Buildings Retaining Walls and Fences.

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

8. Motion by Larson, seconded by Hanifl to call for a special meeting of the Planning Commission on June 27, 2013 at 5:30 p.m.

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

The purpose of this meeting is to be informational in nature on potential development of the area commonly referred to as Stoney Pointe. An informal conversation with the Planning Commission is provided for in the Subdivision Regulation and precedes development of a Sketch Concept. This meeting will be conducted by Jay Michels and will focus on the principals under which the design study will be conducted.

9. Motion by Wieser, seconded by Welch to adopt the following calendar of Planning Commission meetings:

- July 9th regular meeting date of the Planning Commission, moved due to the 4th of July holiday.
- July 30th, regular meeting of the Planning Commission for the month of August.
- August 20th, potential special meeting of the Planning Commission.
- September 5th, regular meeting date of the Planning Commission, moved due to the 4th of July holiday.
- September 24th, potential special meeting of the Planning Commission.

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

10. Member Dave Hanifl provided copies of the sign ordinance that the City of La Crosse has adopted.. This item will be discussed further at the next regular Planning Commission Meeting. The Planning Commission will be provided a copy of the City of La Crescent's ordinance.

11. There being no further business to discuss, motion by Wieser, seconded by Welch to adjourn the meeting. This was at approximately 8:15 p.m.

Motion approved as written by the consensus of the Planning Commission.

Saved as minutes of June 4, 2013 Planning Commission.

**Proposed Text Amendments to Zoning Manual Proposed by the Planning Commission.
6/06/2013**

Dear City Council,

About 8 weeks ago you received a blue covered Chapter 12 Zoning Manual. You have no doubt found this interesting reading. You were informed that the proposed text edits were in RED and that the Planning Commission would make its final recommendation after a review with Legal Counsel. That review has occurred and in the interim several additional, mostly typing corrections, were identified. They will be outlined below. The Council will be asked to adopt the TEXT AMENDMENTS in RED in the Book and the changes below. Please bring your copy (with blue cover) of the Chapter 12 Zoning to the Council meeting.

The proposed text amendments are mostly non-substantive or technical and pertain to: correcting charts; adding definitions; adding cross references; correcting typo's; and adding words to sentences for clarity. It was anticipated that after working with the new manual for a couple of years that 'perfections' would be required. There are a few substantive amendments to which the Council attention is called. These changes all related to:

The Substantive Text Amendments are:

1. Defining and regulating Pole Structures in Residential Districts. Pg 37 and others.
2. Defining and regulating Roof and freestanding Solar Collectors. Pg 37-39
3. Adding additional regulation concerning Retaining Walls and Fencing. Pg 39 and others
4. Becoming consistent with State Law regarding Manufactured Homes and Modular Buildings pg 8,9

Changes not included within the Blue Covered edition:

- a. Pg 38 typos. #10. '....as an storage area ss-
- b. Pg 69 subd 1: '...2 level ~~town~~ homes over street.....'
- c. Pg 79 #9.: remove mancana ash from the list and add: 'The following trees, **or other species approved as City Policy**, may be used to satisfy.....'
- d. Pg 84 add space after c.
- e. Pg 88 increase width in 4th box.
- f. Pg 96 fix paragraph at bottom of page.
- g. Pg 108 remove 'and'.
- h. Pg 162 Subd 15. B.: Capitalize **Building Official**.
- i. Pg 52 chart. Redundant '25 feet' is removed
- j. Pg 35 subd 10 A: add '[Reference Ord. 279 and State Building Code]'

The Manual remains un-coordinated between Council Adopted Shoreland Ordinance (10 years ago) and the preponderance of the Zoning Manual. The State may adopt a new shoreland mandate and the work would be done at this time or sooner.

Any implications of the new refuge contract are not coordinated with the Zoning Manual.

We hope this summary will assist the Council in their adoption of the revised text amendments as proposed by the Planning Commission.

Sincerely, For the Commission, Donald Smith, Chair.