

MINUTES OF THE PROCEEDINGS OF THE PLANNING COMMISSION OF THE CITY OF CHAMPLIN IN THE COUNTY OF HENNEPIN AND THE STATE OF MINNESOTA PURSUANT TO DUE CALL AND NOTICE THEREOF

REGULAR SESSION  
FEBRUARY 16, 2016  
CITY COUNCIL CHAMBERS

CALL TO ORDER THE CHAMPLIN PLANNING COMMISSION MET IN REGULAR SESSION AND WAS CALLED TO ORDER BY CHAIRPERSON R.J. THIEL AT 7:00 P.M.

ROLL CALL PRESENT WERE: CHAIRPERSON THIEL, COMMISSIONERS STEPHANIE BITTERMAN, MATT BOLTERMAN, DAVID BOUCHARD, KATHY MANEMANN, MICHAEL PETERSON, AND NATE TRUESDELL. ABSENT: TIM LACROIX AND DAN COSTELLO. ALSO PRESENT WAS CITY PLANNER SCOTT SCHULTE.

ROLE OF THE COMMISSION CHAIRPERSON THIEL BRIEFLY REVIEWED THE ROLE OF THE COMMISSION.

APPROVAL OF AGENDA (FEBRUARY 16, 2016) MOTION APPROVED  
MOTION BY COMMISSIONER TRUESDELL AND SECONDED BY COMMISSIONER BOUCHARD, TO APPROVE THE AGENDA OF THE FEBRUARY 16, 2016 PLANNING COMMISSION MEETING AS PRESENTED. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

APPROVAL OF MINUTES (DECEMBER 21, 2015) MOTION APPROVED  
MOTION BY COMMISSIONER MANEMANN AND SECONDED BY COMMISSIONER PETERSON, TO APPROVE THE MINUTES OF THE DECEMBER 21, 2015, PLANNING COMMISSION MEETING AS PRESENTED. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

OPEN FORUM NO ONE WAS PRESENT FOR OPEN FORUM.

PUBLIC HEARINGS  
PROJECT 2016-01: PRELIMINARY PLAT OF GERVAIS ADDITION, REQUEST BY MICHAEL GERVAIS FOR PRELIMINARY PLAT APPROVAL OF A TWO LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION LOCATED AT 11090 DOUGLAS DRIVE  
THE CITY PLANNER STATED THAT THE PROPERTY OWNER OF 11090 DOUGLAS DRIVE HAS SUBMITTED A PRELIMINARY PLAT REQUEST TO SUBDIVIDE THE LOT INTO TWO BUILDABLE LOTS. HE NOTED THAT TYPICALLY THIS PROCESS WOULD BE DONE THROUGH A LOT SPLIT BUT EXPLAINED THAT A PRELIMINARY PLAT IS REQUIRED IN THIS CASE BECAUSE THE PROPERTY HAS PREVIOUSLY BEEN SPLIT INTO ORDER TO CREATE THIS LOT AND ANOTHER LOT, WHICH HAS ACCESS OFF COLORADO AVENUE. HE NOTED THAT THE SURVEY FROM THE ORIGINAL LOT SPLIT WAS INCLUDED IN THE COMMISSION PACKET FOR INFORMATIONAL PURPOSES. HE STATED THAT THE NEW SURVEY IDENTIFIES A NUMBER OF COMPONENTS THAT ARE IN COMPLIANCE WITH THE CITY'S REQUIREMENTS INCLUDING LOT SIZE, DEPTH AND WIDTH, WHICH ARE ALL EXCEEDED THROUGH THIS PROPOSAL. HE STATED THAT PUBLIC UTILITY AND DRAINAGE EASEMENTS HAVE ALSO BEEN IDENTIFIED. HE REFERENCED NEW LOT 1 AND STATED THAT HENNEPIN COUNTY IS RESTRICTING ACCESS TO DOUGLAS DRIVE, WHICH IS A COUNTY ROAD, AND THEREFORE RECOMMEND ACCESS TO COLORADO AVENUE. HE STATED THAT BASED ON THE CONTOURS ON THE LOT HE WOULD ANTICIPATE A TUCK UNDER GARAGE/WALK OUT AND NOTED THAT STAFF DOES NOT HAVE ANY PROBLEMS WITH THAT. HE STATED THAT NEW LOT 1 WOULD RECEIVE ITS UTILITY SERVICES FROM COLORADO AVENUE, WHICH WILL INVOLVE EXCAVATION TO CONNECT AS UTILITY CONNECTIONS ARE NOT CURRENTLY STUBBED. HE STATED THAT CURRENTLY THE UTILITY SERVICES FOR LOT 2 RUN BACKWARDS TO COLORADO AVENUE AND ARE A SHARED SERVICE WITH THE LOT SPLIT OFF IN 2000. HE EXPLAINED THAT STAFF IS REQUIRING ABANDONMENT OF THOSE SERVICES WITH THIS PLAT AND A PROVISION OF SERVICES TO OCCUR WITH THE NEW LOT 2 CONNECTION IN ORDER TO REMEDY THAT SITUATION. HE NOTED THAT ADDITIONAL DEDICATION OF RIGHT-OF-WAY IS NOT NEEDED IN THIS CASE. HE STATED THAT IN REGARD TO PARK DEDICATION THE PARCEL WOULD ONLY BE REQUIRED TO PAY DEDICATION ON THE NEW LOT AS THE EXISTING LOT PAID PARK DEDICATION DURING THE ORIGINAL LOT SPLIT. HE STATED THAT STAFF RECOMMENDS APPROVAL OF THE REQUEST SUBJECT TO THE SIX CONDITIONS NOTED IN THE STAFF REPORT.

PUBLIC HEARING CHAIRPERSON THIEL OPENED THE PUBLIC HEARING AT 7:11 P.M.

NO COMMENTS.

MOTION

MOTION BY COMMISSIONER TRUESDELL AND SECONDED BY COMMISSIONER BITTERMAN, TO CLOSE THE PUBLIC HEARING. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

THE PUBLIC HEARING WAS CLOSED AT 7:11 P.M.

COMMISSIONER BOUCHARD ASKED IF THE NEW UTILITY CONNECTIONS WOULD BE SHARED.

THE CITY PLANNER CLARIFIED THAT THE SERVICES WOULD NOT BE SHARED AND WOULD BE SEPARATE.

COMMISSIONER MANEMANN REFERENCED CONDITION FOUR AND STATED THAT SHE DOES NOT RECALL THAT CONDITION IN OTHER INSTANCES.

THE CITY PLANNER STATED THAT IS NORMALLY DONE IN LARGER DEVELOPMENTS. HE EXPLAINED THAT IN LOT SPLITS THEY DO NOT REQUIRE THAT ELEMENT BUT NOTED THAT BECAUSE THIS IS A MORE COMPLEX REQUEST THAT CONDITION COMES INTO ACTION.

CHAIRPERSON THIEL REFERENCED CONDITION SIX AND ASKED IF THAT AMOUNT WOULD BE AGREED UPON WITH THE APPLICANT.

THE CITY PLANNER AGREED THAT STAFF WOULD WORK WITH THE APPLICANT ON THAT MATTER TO DETERMINE THE AMOUNT.

MOTION

MOTION BY COMMISSIONER MANEMANN AND SECONDED BY COMMISSIONER TRUESDELL, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE PRELIMINARY PLAT OF A TWO LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION LOCATED AT 11090 DOUGLAS DRIVE, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE PLAT REQUIRES A MONETARY PARK DEDICATION OF \$4,370.
2. NEW SANITARY SEWER AND WATER SERVICES SHALL BE CONSTRUCTED FOR LOTS 1 AND 2. THE APPLICANT SHALL OBTAIN A PERMIT FROM THE CITY'S ENGINEERING DEPARTMENT PRIOR TO MAKING THESE CONNECTIONS. THE SANITARY SEWER AND WATER SERVICES CROSSING THE EXCEPTION LOT SHALL BE PROPERLY ABANDONED.
3. THE RETAINING WALL CROSSING THE LOT LINE BETWEEN LOTS 1 AND 2 SHALL BE REMOVED.
4. SURVEY MONUMENTS SHALL BE PLACED IN CONCRETE ON THE SITE AS DIRECTED BY THE CITY'S ENGINEERING DEPARTMENT.
5. PRIOR TO RECORDING THE FINAL PLAT, THE DETACHED GARAGE ON LOT 1 SHALL BE REMOVED.
6. THE APPLICANT SHALL PROVIDE THE CITY AN ESCROW TO COVER CITY ENGINEERING STAFF REVIEW AND INSPECTION COSTS ASSOCIATED WITH SANITARY SEWER AND WATER CONNECTIONS.

ALL VOTED IN FAVOR AND THE MOTION CARRIED.

CHAIRPERSON THIEL NOTED THAT THIS ITEM WILL MOVE ON TO THE CITY COUNCIL ON APRIL 11, 2016.

PROJECT 2016-02:  
VARIANCE FOR FENCE  
HEIGHT; REQUEST BY  
DINGMAN  
CONSTRUCTION FOR  
A VARIANCE  
ALLOWING A SIX FOOT

THE CITY PLANNER STATED THAT LAST FALL DINGMAN CONSTRUCTION PURCHASE A LOT WITHIN THE RESERVE AT ELM CREEK AND BEGAN CONSTRUCTION ON A SINGLE FAMILY HOME, WHICH IS ADJACENT TO A LARGE AGRICULTURALLY ZONED PROPERTY, WHICH SUPPORTS THE KEEPING OF HORSES. HE STATED THAT THE APPLICANT HAS CONCERN WITH THE INCOMPATIBILITY OF THE ADJACENT USES, NOTING THAT THE DEVELOPMENT HAS HOMES RANGING FROM THE UPPER \$400,000s TO THE \$800,000s. HE STATED THAT THE APPLICANT HAD INTENDED TO CONSTRUCT A PRIVACY FENCE

PRIVACY FENCE INTO THE REQUIRED TEN FOOT SETBACK ON LOT 1, BLOCK 1, THE RESERVE AT ELM CREEK

ALONG THE PERIMETER OF THE LOT IN ORDER TO PROVIDE SCREENING FROM THE AGRICULTURAL PROPERTY, BUT NOTED THAT THE FENCE WOULD REQUIRE CITY APPROVAL. HE STATED THAT ADDITIONAL APPROVAL IS NEEDED IN ORDER TO EXTEND THE FENCE WITHIN TEN FEET OF THE FRONT PROPERTY LINE. HE STATED THAT THE CITY HAS A RESTRICTION ON THE HEIGHT OF THE FRONT FENCE LINE IN ORDER TO PROVIDE VISIBILITY AND THEREFORE THIS REQUEST WOULD NEED A VARIANCE. HE STATED THAT THE CRITERIA FOR ISSUANCE OF A VARIANCE HAVE BEEN REVIEWED AND ARE INCLUDED IN THE COMMISSION PACKET, NOTING THAT STAFF FINDS THAT THE REQUEST IS VALID AND THE CRITERIA HAVE BEEN MET AS THE FENCE WILL PROVIDE A BUFFER BETWEEN THE SINGLE FAMILY HOME PROPERTY AND THE AGRICULTURALLY ZONED PROPERTY. HE STATED THAT IF THE AGRICULTURAL PROPERTY IS REZONED IN THE FUTURE TO SINGLE FAMILY HOME, THE FENCE WOULD NEED TO BE BROUGHT INTO CONFORMANCE AT THAT TIME. HE NOTED THAT WOULD BE A CONDITION OF APPROVAL THAT WOULD BE RECORDED WITH THE PROPERTY AND ADVISED THAT AN ESCROW FROM THE BUILDER WOULD ALSO BE REQUIRED IN THE CASE THE CITY NEEDS TO COMPLETE THE ACTION IN THE FUTURE.

PUBLIC HEARING

CHAIRPERSON THIEL OPENED THE PUBLIC HEARING AT 7:21 P.M.

NO COMMENTS MADE.

MOTION

MOTION BY COMMISSIONER BOUCHARD AND SECONDED BY COMMISSIONER BITTERMAN, TO CLOSE THE PUBLIC HEARING. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

THE PUBLIC HEARING WAS CLOSED AT 7:21 P.M.

CHAIRPERSON THIEL ASKED IF ANOTHER CONDITION SHOULD BE ADDED REQUIRING THE ESCROW.

THE CITY PLANNER AGREED THAT COULD BE ADDED AS A SECOND CONDITION.

COMMISSIONER BOUCHARD ASKED IF THE RECORDED AGREEMENT SHOULD ALSO BE SPECIFIED IN A CONDITION.

THE CITY PLANNER AGREED THAT CONDITION COULD BE COMBINED WITH THE ESCROW REQUIREMENT.

COMMISSIONER BOLTERMAN ASKED IF THERE ARE ANY DETAILS ON THE MATERIAL THAT WILL BE USED FOR THE PRIVACY FENCE.

THE CITY PLANNER STATED THAT THERE HAVE BEEN A NUMBER OF CONVERSATIONS WITH THE BUILDER, GONYEA HOMES, AND THE NEIGHBORING PROPERTY OWNER. HE ADVISED THAT THEY ARE PROPOSING A WHITE VINYL PRIVACY FENCE THAT WOULD REQUIRE MINIMAL MAINTENANCE. HE NOTED THAT THE FRONT FENCE POSTS WOULD BE DESIGNED SO THAT THEY COULD BE SWITCHED WITH THE LESSER HEIGHT POSTS IN THE FUTURE.

COMMISSIONER TRUESDELL ASKED IF THERE IS ANY FORESEEABLE SAFETY CONCERNS RELATED TO THE HEIGHT OF THIS FENCE.

THE CITY PLANNER STATED THAT HE DOES NOT HAVE CONCERN AT THIS TIME, BUT WOULD IN THE FUTURE IF THE AGRICULTURAL PROPERTY IS DEVELOPED INTO SINGLE FAMILY HOMES AND THAT IS WHY THE CONDITION WAS CREATED THAT WOULD REQUIRE CONFORMANCE AT THAT TIME.

MOTION

MOTION BY COMMISSIONER BOUCHARD AND SECONDED BY COMMISSIONER TRUESDELL, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE REQUEST BY DINGMAN CONSTRUCTION FOR A VARIANCE ALLOWING A SIX FOOT PRIVACY FENCE INTO THE REQUIRED TEN FOOT SETBACK ON LOT 1, BLOCK 1, THE RESERVE AT ELM CREEK, SUBJECT TO THE FOLLOWING CONDITION:

1. UPON REZONING AND DEVELOPMENT OF THE ADJACENT LOT, THE SIX FOOT PRIVACY FENCE SHALL BE BROUGHT INTO CONFORMANCE WITH THE ZONING ORDINANCE.
2. A RECORDABLE AGREEMENT SHALL BE REQUIRED THAT WOULD ALSO REQUIRE AN ESCROW ACCOUNT.

ALL VOTED IN FAVOR AND THE MOTION CARRIED.

CHAIRPERSON THIEL NOTED THAT THIS ITEM WILL MOVE ON TO THE CITY COUNCIL ON APRIL 11, 2016.

OTHER BUSINESS

MUTUAL  
EXPECTATIONS AND  
PLEDGE TO  
RESIDENTS  
AGREEMENT

CHAIRPERSON THIEL NOTED THAT THIS AGREEMENT WAS INCLUDED IN THE COMMISSION PACKET, AS IT IS EACH YEAR.

COMMISSIONER BOUCHARD ASKED IF FORMAL ADOPTION WOULD BE REQUIRED OF THIS ITEM.

THE CITY PLANNER EXPLAINED THAT THE LANGUAGE WAS DEVELOPED BY THE CITY COUNCIL AND THE DIRECTION OF THE CITY COUNCIL WAS TO ASK COMMISSIONERS TO SIMPLY SIGN THE AGREEMENT.

ADJOURN  
MOTION

MOTION BY COMMISSIONER TRUESDELL AND SECONDED BY COMMISSIONER MANEMANN, TO ADJOURN THE MEETING. ALL VOTED IN FAVOR AND THE MOTION CARRIED. THE CHAMPLIN PLANNING COMMISSION MEETING ADJOURNED AT 7:30 P.M.

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ROBERT J. THIEL, CHAIRPERSON

ATTEST:

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SCOTT SCHULTE, CITY PLANNER