

Pursuant to due call and notice thereof, a Planning Commission meeting was held on Tuesday, March 20, 2007 at 6:30 p.m.

PRESENT: Doug Millaway, Bob Pogatschnik, Kurt Marthaler, Rick Fischbach

ABSENT: Katie Reiling

The meeting was called to order at 6:34 p.m.

MINUTES OF FEBRUARY 20, 2006

Motion was made by Rick Fischbach, second by Bob Pogatschnik, to approve the minutes as stated, all in favor and carried.

Blattner (400 County Road 50)—New Zoning Ordinance
Dan Lais-MN DNR—New Zoning Ordinance

Dave Blattner and John Blattner attended the Planning Commission meeting to talk about some concerns that they have regarding the new ordinance

There were a few items that Dan wanted to discuss. Tributary river is similar to lakes-- there are zoning requirements. In the old ordinance there was no mention of tributary rivers. Tributary river definitions are less detailed than lake standards in regards to lot size, sq. footage, etc. It is included in one section but does not follow through in the rest of the chapters. Dan would like this referenced in every chapter

Residential areas: There is a discrepancy in building height. Maximum building height is 25 ft. The draft ordinance refers to it as 35 ft. Dan Lais feels 25 ft. for building height is reasonable. This needs to be changed in the ordinance or the city will need to go through necessary steps to try change this. The city would need to determine what area this is and then submit to the DNR for approval. We will have to state the reasons for justification and state why we feel we need to apply the 35 ft. We need to state how we are still maintaining the intent of the shoreland ordinance. We need to show that it will not affect the shoreland and be detrimental to the surrounding lakes.

Impervious coverage--The downtown central business district predates the ordinance and most of this area will not be able to meet the 25% coverage. The DNR is saying that they understand situations such as these and there would be some flexibility. Instead of issuing variance after variance we would include surface coverage of 85% for example, instead of 25%.

Counties adopted the shoreland ordinance in the 70's. Dan Lais was not sure when Avon adopted the ordinance but he thought it was in the 80's. The Planning Commission said this community is unique because there are seven lakes within cities boundaries. Having municipal services available to the majority of the lakes area is very important as the city expands out to ensure the future quality of those waters. We have dense situations in the existing city. As growth expands outward that same density is not the same as we want

to see developed on those lakes. Impervious surface and storm-water are very important in this community. How quickly the water gets into the lakes is a big issue. The water quality of the lakes is pretty good in comparison to some of the lakes in the area. We need to do what we can to keep the lakes in good condition. From economic and marketing standpoints we are in a good situation but we need to take care of the resources. The DNR wants to look at better standards as we grow in our community.

One question the planning commission has is when a new development is put in front of the DNR to review, does the DNR take into consideration what will be built on the lots. We are finding lot sizes are smaller and builders are having a hard time staying within the impervious surface coverage. Dan Laishas stated that when a PUD is done the lot size is still figured in the density calculations but the lot size that actually goes on the ground can be any size. What happens is they are trying to cluster lots in the more suitable area but still preserving 50% or more of the area. With the Waters Edge Development the problem the city had was with the impervious surface area. This was a PUD--this wasn't an individual lot block as long as you were less than 25% in that tier you may not have needed a variance. Tier needs to parallel OHWL. The City was looking at individual lots where in fact we should have been looking at the tiers and find out where we are with each tier. Hopefully, we can get a handle on the impervious surface area before the Avon Estates development begins. The problem with the current PUD standards is it doesn't allow developers to use open space as part of building area. When developers come in they need to give a realistic scenario of how the lot will be occupied. If they are showing a single car garage and no deck and you are saying you meet the impervious lot coverage a red flag should go up. We need to make sure that we are adequately identifying enough area in the tier.

The planning commission asked what we can do with the Linneman Lake Industrial area. One concern Dan Laishas is specifically in Chapter 12 of the proposed zone ordinance where it talks about industrial use. Industrial use is prohibited on natural environment lakes, which is what Linneman is classified as. Industrial use was in existence before these shoreland standards came in to the city. The north side of Linneman Lake is all industrial also along the East side of the lake are businesses. Dan Laishas doesn't want to see that use increase substantially. He does want to make sure the existing businesses can remain in this area and will be able to expand. The DNR is not trying to put someone out of business and say they can't expand but Dan wants the (proposed zone) new parcels that are zoned agriculture to be low density-- slating them for industrial development. Where there is no existing industrial use now we are going to create and this area is very close to Linneman Lake. Dan Laishas stated we could possibly look into putting commercial in this area but does not want to see a large industrial area around Linneman Lake. The question of whether or not Columbia gear meet the shoreland criteria did come up. They did obtain a variance in order to put the addition up and this may have been a bit of an oversight. They are trying to be sensitive to a company that is a mainstay within community and Dan tried to allow them to exist and grow and still try to uphold our standards. It is easier to turn down a brand new separate entity. Does the DNR take into consideration if a request actually improves the land. Dan stated they are not against expansion, they are relaying that it is done in a reasonable matter. If it possible to meet

the criteria to meet setbacks if you have space you should try to make it work. They are not objecting to putting a building up the DNR just wants to make sure every angle was looked at to try to meet the setbacks and to manage the impervious coverage.

Dave Blattner had a couple of observations. They went through the 2005 comprehensive plan objectives regarding maintaining the current uses in the industrial area. The new zone ordinance the concern is chapter 12, Subdivision 6, Subparagraph c. 4-- where it discusses the setbacks as being prohibited. They would like wording into the new zoning ordinance that will protect them if they want to add on in the future. Blattner's will not be able to proceed with the new building if the word prohibited stays in the zoning ordinance. They will look at relocating to another city. They will not invest millions in a building and not know if they can add on in the future. They will not build until this wording is changed. The plan would be to build to the east off of the new building. That is why the building is laid out that way it is. If the 150 ft setback was in the ordinance they could still get a variance to ask for 100 ft, etc but if the wording "prohibited" is in the ordinance they will not even be able to apply for a variance. Dan Lais said that when the Linneman Lake area was in the county the county put in a zoning of a "general use district". When they set standards up it allowed Industrial use without calling it Industrial use to offer more flexibility.

The planning commission commented that a lot of the NEW industrial area is not even in the shoreland. Around Linneman Lake there are already preexisting Industrial or commercial uses. Dan Lais was asked how lakes are classified. Why did Linneman Lake get classified as an environmental lake after most of the businesses were already established. Dan said there is a process that can be gone through to see if a lake was incorrectly classified. The community has to submit a request to the DNR to state the justification that that basin was incorrectly classified. That doesn't mean that today it has to go back to when it was originally classified and how much development was around it that the basin was incorrectly classified. This will go back to 1972 when the original shoreland classification was done. This was done in Stearns County. The city would request the DNR to take a look at it and say why it was wrongly classified. Have to look at characteristic of lake as well as development on the lake. There is set criteria that will need to be followed

Blattner's were wondering if we could do two standards Industrial and Linneman-Industrial? Why is Minnie Lake classified as recreation? It has to do with depth of lake, vegetation and amount of density, length of shoreland in miles, etc. Blattner's are located in an industrial area but it is not really an industrial use any longer. They still use a lot of heavy equip we just don't see it come back to Avon. **Blattner's will draft a resolution for us to incorporate the changes into the new zone ordinance.**

The DNR states that we still have issues that are historically based. We can move forward we just need to make it so that everyone's needs are met. Look at flexibility issues to see what we can come up with to change the wording. We need to be clear about effective dates. The DNR's big concern is future land use

Dan Lais is concerned about the large are of Industrial in the new zoning map. Even through a lot of this area is beyond the 1,000 ft. mark the watershed drainage will still be coming in beyond 1,000 ft. This is very intense use on this land. We want to keep the most open space that we can. Ponds aren't the answer to every problem. How can we protect the resources? The PC feels that it will not see a large amount of Industrial growth over the years.

Dan states-- If the city had some unique circumstances (flowers, wildlife, etc.) that really needed protection, we would identify these and set this up as a special protection area that we would zone very restrictive. We can put the special protection in there so it is maintained-- that is what an overlay does. It identifies strict standards that we would apply to certain areas. The city would need to spell out which areas we want flexibility on. Get a proposal to Dan Lais to see if it is feasible or not feasible

Notes

Let John Blattner know when the next meeting with Shannon is so he can attend the meeting if he wants to. Email Shannon Sweeney's comments to Dan Lais when I receive it.

Check with Albany to see if they have an Ordinance for Biomass (outside heating structures). Table the sump pump ordinance until the April meeting. Also, check if there is an ordinance regarding the size of propane tank on lots. Possibly add wording to his ordinance.

Close this meeting and have a training session for next Thursday to discuss 1st street SW. Ray will get info to the PC. Meeting will be at 6:30 p.m. next Thursday. This will need to be posted as a workshop.

Adjourn the meeting at 8:27 p.m.

Respectfully submitted,
Amy Pogatchnik