

AGENDA

ROGERS PLANNING COMMISSION

January 15, 2019 - 7:00 PM

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. OPEN FORUM**
- 3. APPROVE AGENDA**
- 4. CONSENT AGENDA**
 - 4.1 Approval of the December 18, 2019 Planning Commission Meeting Minutes
- 5. PUBLIC HEARINGS**
 - 5.1 Public Hearing to Consider a Request for a Variance to Exceed the Allowable Amount of Square Footage for a Detached Accessory Structure
- 6. NEW BUSINESS**
 - 6.1 Commission Offices for 2019
- 7. OTHER BUSINESS**
 - 7.1 Rogers Zoning Code Update Discussion
- 8. ADJOURN**



**REQUEST FOR ACTION
ROGERS PLANNING
COMMISSION**

Meeting Date: January 15, 2019

Agenda Item: No. 4.1

Subject: Approval of the December 18, 2019 Planning Commission Meeting Minutes

**Prepared
By:**

ATTACHMENTS:

Description

12182018 Planning Commission Minutes

MINUTES
ROGERS PLANNING COMMISSION
December 18, 2018

CALL TO ORDER

The meeting of the Rogers Planning Commission was held on December 18, 2018 at 7:00 p.m. and was called to order with Commissioners Neis, Nei, Binkley, Jullie, Silverstein, Kraemer and Terhaar present.

Member(s) excused: Bryan

Also present were Councilmember Klick, City Planner/Economic Development Coordinator Ziemer, Public Works Director Seifert and Associate Planner Patnode.

OPEN FORUM

Commissioner Nei shared information regarding the January 14, 2019 public hearing to be completed by the Metropolitan Council to take ownership of the City wastewater treatment plant in Rogers. Public Works director Seifert provided background information about the facility and process for the Met Council to take over the facility and construct at a new location.

SET AGENDA

The Agenda was set as submitted.

Commissioner Nei moved, Commissioner Kraemer seconded the motion to approve the agenda as submitted.

On the vote, all members voted AYE. Motion carried.

CONSENT AGENDA

4.1 Approval of the November 20, 2018 Planning Commission Meeting Minutes

Commissioner Nei moved, Commissioner Binkley seconded a motion to approve the November 20, 2018 Planning Commission Minutes.

On the vote, all members voted AYE. Motion carried.

PUBLIC HEARINGS

5.1 Public Hearing to Consider a Request for a Preliminary Plat for Edgewater Second Addition

City Planner Ziemer provided background information and commented on the following:

- The designated right of way through the proposed plat.
- Overview of the land exchange agreement which was approved by Council.
- Seven properties platted to make Edgewater Second; all will be platted as Outlots.
- More information needed to proceed, will continue the public hearing to November 26, 2018 at the City Council special meeting.
- No proposed or pending development.

Commissioner Nei questioned the use of Outlot E. Staff explained that Outlot is for ponding.

Chairman Neis opened the meeting for public comment.

John Sandhoefner, 24126 Rivers Edge Road: One of the plat lines look like it would be located on the pond behind the existing homes in our neighborhood, will that be moved?

Public Works Director Seifert explained that the pond will remain at that same location, and if anything would expand with new development.

Commissioner Nei moved, Commissioner Jullie seconded a motion to continue the public hearing at the December 26 special City Council meeting at 7:30am at 22350 South Diamond Lake Road.

On the vote, all members voted AYE. Motion carried.

5.2 Public Hearing to Consider a Request for a Variance to Exceed the Allowable Amount of Square Footage for a Detached Accessory Structure

City Planner Ziemer provided background information and commented on the following:

- Property is located at 12023 Tucker Road.
- The detached accessory structure would exceed the allowable area because of the proposed lean-to.
- The applicant needs to submit more information and the item will be tabled until all information is received.

Chairman Neis opened the meeting for public comment.

Gregory Hoseth, 12025 Tucker Road: Asked why setbacks have not been addressed properly, noting problems from Hassan Township with properties and setbacks.

Associate Planner Patnode explained that codes most likely differed in Hassan Township. The proposed lean-to is required to meet the current setbacks in Rogers City Code. The City would not require the Applicant to move his existing detached structure because it was permitted.

Commissioner Nei moved, Commissioner Jullie seconded a motion to continue the public hearing at the January 15, 2019 meeting.

On the vote, all members voted AYE. Motion carried.

NEW BUSINESS

City Planner Ziemer updated the Planning Commission with the following information:

- The Comprehensive Plan is wrapping up and sent to adjacent cities for review.
- City staff continually works with developers on housing projects. These include a multi-family housing project in the Main Street area, a class A+ apartment complex near HOM furniture, and a possible infill development off County Road 144.
- Laurel Creek has submitted an application for their phase 3 final plat which is 86 lots.

- The Minne's Diner site has an interested developer.

Commissioners and staff thanked Keith Neis for his service on the Planning Commission and to the City of Rogers, and thanked David Nei for continuing his services as a Planning Commission alternate.

ADJOURN

Commissioner Jullie moved, Commissioner Binkley seconded a motion to adjourn the meeting at 7:30 p.m.

On the vote, all members voted AYE. Motion carried.



REQUEST FOR ACTION ROGERS PLANNING COMMISSION

Meeting Date: January 15, 2019

Agenda Item: No. 5.1

Subject: Public Hearing to Consider a Request for a Variance to Exceed the Allowable Amount of Square Footage for a Detached Accessory Structure

Prepared By: Amy Patnode, Associate Planner

Recommended Planning Commission Action

Motion to continue the Public Hearing at the February 19, 2019 Planning Commission meeting.

Overview / Background

Keith Ouellette (Applicant) has submitted a land use application requesting a variance to exceed the allowable square footage of the detached accessory structure by two hundred sixteen (216) square feet. The property is located at 12023 Tucker Road (Subject Property). The Applicant is proposing to construct a lean-to on the east side of the existing shed on the property. This lean-to is intended to store a horse trailer.

The application for the variance was submitted by the Applicant on December 3, 2018. Staff is requiring the Applicant to submit a lot survey to confirm the distance from the existing detached accessory structure to properties lines and road right of way.

Primary Issues to Consider

1. Land Use & Zoning
2. Accessory Structure Standards
3. Site Plan
4. Criteria for Granting Variances

Analysis of Primary Issues

1. Land Use and Zoning

The Subject Property is a single family residence, located on 4.65 acres and has two road frontages; Trail Haven Road and Tucker Road. The property is zoned Rural Estate 5 acre (RE-5). The 2030 Comprehensive Plan established the underlying land use designation as Rural Preservation 5-acre. Detached accessory structures are permitted in the RE-5 zoning district [§125-191 (c)(1)].

The type of use is allowed by both the Comprehensive Plan and Zoning.

2. Accessory Structure Standards

The Subject Property is considered a corner lot because it is bordered on at least two (2) adjacent sides by streets [§121-1]. The Applicant proposes to locate the lean-to on the existing shed which is in the side yard. Locating a structure in the side yard when abutting a road right-of-way will cause larger setbacks than if the side yard did not abut a public street. Setbacks for detached accessory structures within the side yard which abuts a public street shall meet principle building setback requirements of the applicable zoning district [§125-323 (g)(2)]. The property is located in the RE-5 zoning district and the front yard setback is 50 feet [§125-191 (f)(2)]. The previous property owner had approval from Hassan Township to construct the existing detached accessory structure within the side yard setback of 20 feet, versus the 50 feet that is required today. The Applicant is not requesting a variance to the side yard setback. The proposed location for the lean-to is on the back half of the shed. This leaves 50 feet from the proposed addition to the property boundary.

Detached accessory structures in the RE-5 zoning district has a maximum square footage of 1,700 square feet for properties with 4.00-4.99 acres of land [§125-323 (11)]. Lean-tos, car ports, and open wall structures are to be included in the calculation of total square feet, except gazebos [§125-323 (5) (c)].

3. Site Plan

All residential properties in RE-5 developments are required to have their own well and septic. The well on the Subject Property is located to the north of the house, while the septic and tanks are the south of the home. The existing detached accessory structure is to the northeast of the home and the proposed lean-to is away from the well and septic and on the south east side of the existing shed.

The existing detached accessory structure on the property is 1,440 square feet, the proposed detached accessory structure (lean-to) is 476 square feet. The proposed addition would exceed the allowed amount by 216 square feet. Alternatively, the Applicant was using a 'hoop' like structure that was attached the horse trailer on the property to deter harsh winter elements. Those types of structures are not allowed in the City. Staff would prefer a permanent structure for the horse trailer to be stored in.

The detached accessory structure will match the exterior materials of the existing detached accessory structure (steel) [§125-323 (e)(5)]. The side wall heights are proposed to be eleven (11) feet.

4. Criteria for Granting Variances

The Planning Commission shall make findings of fact that the proposed variance are pursuant, but not limited to the following considerations [§125-58(a)]:

- (1) Variances shall only be permitted when they are in harmony with the general purpose and intent of city code and consistent with the comprehensive plan.
- (2) Variances may only be permitted when the applicant establishes that there are non-economic practical difficulties in complying with the zoning ordinance, meaning the property owner proposes to use the lot or parcel in a reasonable manner not permitted by the zoning code.
- (3) The plight of the property owner must be due to circumstances that are unique to the lot or parcel and is not created by the property owner.
- (4) The variances must not alter the essential character of the locality including all zoning district and overlay district provisions.

The requests are dealt with on its own merits. The Planning Commission should consider if these requests meet the variance criteria listed above.

Staff Recommendation

Pending receipt of all materials necessary to complete review of the application request, this application will continue the Public Hearing until February 19, 2019.



**REQUEST FOR ACTION
ROGERS PLANNING
COMMISSION**

Meeting Date: January 15, 2019

Agenda Item: No. 6.1

Subject: Commission Offices for 2019

Prepared By: Associate Planner, Amy Patnode

Recommended Planning Commission Action

Elect a Chair and Vice Chair for 2019.

Overview / Background

City Code §2-232 states that the Planning Commission shall elect a Chair and Vice Chair from amongst its members. Each appointment is a single year term. Keith Neis served as the Chair in 2018; Lindsay Silverstein as Vice Chair.

The City Council accepted the Commissions recommendation to appoint Narine Bourgeois and Zachary Plansky as regular members and David Nei as an alternate. Commission members and their terms are as follows:

Mark Kraemer	12-31-2019
Kevin Jullie	12-31-2019
Brian Binkley	12-31-2020
Lindsay Silverstein	12-31-2020
Drew Bryan	12-31-2020
Narine Bourgeois	12-31-2021
Zachary Plansky	12-31-2021

Alternates

Bernie Terhaar	12-31-2019
David Nei	12-31-2021



**REQUEST FOR ACTION
ROGERS PLANNING
COMMISSION**

Meeting Date: January 15, 2019

Agenda Item: No. 7.1

Subject: Rogers Zoning Code Update Discussion

Prepared By: Jason Ziemer, City Planner / Community Development Coordinator

Recommended Planning Commission Action

Discuss next steps regarding 2040 Comprehensive Plan work, which includes updates, revisions and rewrites to Rogers City Code.

Overview / Background

City staff and consulting staff from SRF completed the draft 2040 Comprehensive Plan for the City of Rogers in mid-December, and submitted it for agency review and post the plan for public comment. Entities assigned to review the Rogers Comprehensive Plan include: cities of Corcoran, Dayton, Hanover, Maple Grove, Otsego, St. Michael; Hennepin and Wright Counties; Elk River, Osseo and Buffalo school districts; Elm Creek Watershed District; Three Rivers Park District; MnDOT and MnDNR. Those entities have up to six (6) months to review the Rogers Plan and provide comment. Ultimately, upon completion of the Rogers Plan and adoption by the City Council, the City has nine (9) months to update and align its zoning code with the land use plan.

City staff intend to start the zoning code review in earnest, with a goal of adopting the new/updated zoning codes in tandem with adoption of the Comprehensive Plan. The City Council has approved a budget for hiring of a planning intern and consulting firm to assist with the zoning code work.

City staff will review the next steps regarding the zoning code and provide zoning copies at the meeting for Commissioners to review and mark up.