

CRYSTAL PLANNING COMMISSION MINUTES

Monday, December 9, 2013 at 7:00 p.m.

Council Chambers, Crystal City Hall

A. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at 7:00 p.m. with the following members present:

X Commissioner (Ward 1) Sears [Vice Chair]	X Commissioner (Ward 2) Kolb	X Commissioner (Ward 4) Richter
X Commissioner (Ward 1) Heigel	X Commissioner (Ward 3) VonRueden [Chair]	X Commissioner (Ward 4) Johnson
Commissioner (Ward 2) Erickson	X Commissioner (Ward 3) Buck [Secretary]	X Commissioner (At- Large) Strand (7:01 p.m.)

Also present were staff members John Sutter and Gail Van Krevelen.

B. APPROVAL OF MINUTES

Moved by Commissioner Sears and seconded by Commissioner Heigel to approve the minutes of the November 12, 2013 regular meeting with no exceptions.

Motion carried.

C. PUBLIC HEARINGS

1. Consider Application 2013-15 for a Conditional Use Permit and setback variance for Christina's Child Care Center at 5510 West Broadway including an outdoor play area along Sherburne Avenue

Staff presented the following:

Mr. Sutter stated that the subject property is the Crystal Gallery Mall where the commission recently reviewed a large, multi-year de-malling project. The child care center would be located on the east half of the first floor of the two story office building part of the mall which is located on the south end.

The proposed use is a child care center, which is a conditional use in all zoning districts and they are also proposing an outdoor play area which would be located 7 feet from the property line along Sherburne Avenue. The standard setback is 30' so a variance is being requested in addition to the conditional use permit.

The play area will be fenced with a minimum 5 foot high black chain link fence but they may choose to upgrade to a higher quality, more aesthetically pleasing type of fence.

The child care center will have rooms for various age ranges, from infant to school age and seems to be a good fit for this location and property. Mr. Sutter also said that although the play area would be located somewhat close to the sidewalk, the right-of-way and street there is fairly wide for the traffic volume, which isn't that high.

There is a loading area on the east side of the building, but Mr. Sutter stated staff felt that was an operational issue to be worked out among the mall owner, manager and tenants as to the timing of any deliveries.

He also said that there are a couple minor conditions in the staff report; the CUP is not transferable unless the new usage would be consistent in what has been described in the narrative and that the parking area on the south end of the mall maintains adequate parking spaces during peak times and parents could also park along Sherburne Avenue if they choose. Mr. Sutter also indicated the childcare center will have its own private entrance and no interior access to the rest of the mall.

The following were heard:

Robert Wise, with MidAmerica ??(couldn't catch what he said) said that there is a state code that dictates the height and type of materials used for the fence. Commissioner Von Rueden asked if there was any thought of installing a barrier and Mr. Wise indicated as of yet they had not but that if there is a perceived risk, that is something they would want to look at. Mr. Sutter added that perhaps they may want to add a condition to plant some boulevard shade trees as a form of barrier.

Commissioner Sears said that the mall owner might want to consider using bottom-heavy wire as an inexpensive option. Commissioner Strand inquired whether there would be school buses dropping off students at the center, Mr. Wise said that the center has mini-buses that would be used to pick up kids at the schools.

Planning Commission discussion:

Commissioner Kolb expressed concern regarding the type of fencing being proposed and didn't feel it would necessarily be adequate since it would be only 7 feet from the sidewalk. Commissioner Von Rueden also suggested a barrier of some sort might be a good idea in case a vehicle slid off the road. Commissioner Heigel asked Mr. Sutter what the state code is for fencing around childcare facilities, but Mr. Sutter said the city doesn't license childcare centers so it would be governed by whatever the state requires.

Moved by Commissioner Heigel and seconded by Commissioner Buck to recommend approval of Application 2013-15 for a Conditional Use Permit and setback variance for Christina's Child Care Center at 5510 West Broadway including an outdoor play area along Sherburne Avenue.

Motion carried.

2. Consider Application 2013-16 for setback variances to allow expansion of an existing house and detached garage at 4952 Quail Avenue North

Staff presented the following:

Mr. Sutter said that the property is located on a segment of Quail actually platted as an alley, which is why the garages are right along the street. Over time the service road became the street, and although the properties along that stretch are addressed on Quail, technically their front yards face the lake and the back yards are along Quail.

The current property owner recently purchased the house and is in the process of doing some renovations and adding an addition. The current setbacks were needed for the addition and it was found that a bump-out on the property encroaches into the setback. For that reason a variance is required to expand the existing structure because a non-conforming structure cannot be expanded unless a variance is granted.

The bump-out is located about 3 ½ feet from the property line, the minimum setback since 1946 is 5 feet. Everything except the bump-out is in compliance, so provided that the variance follows just along the north side of house and not the entire lot line, staff sees no reason to deny it.

The second variance is more speculative, the owner does not currently have a project planned but in the future would like to have a larger garage. The garage was built about the same time as the house, and is 1 foot or less from the north and rear lot lines. Under the law the garage can be maintained at its current size but cannot be expanded.

Mr. Sutter explained that staff felt there was not sufficient justification for a variance for the garage because it only met one of the three criteria. The property owner at this time is unsure how they want to accomplish a solution to the garage issues, but they have indicated they want to have more garage space and expanding the existing garage is one of the options, but it's not the only way they can get additional space. Mr. Sutter did suggest however that since they were considering expanding the garage, they should add it to this application so they only have to go through the process once.

Staff is recommending denial because the entire garage is in the setback, not just a small portion of it, and the degree of encroachment is much more severe. The minimum setback for detached structures is 3 feet, and with the eave, the garage is within inches of the lot line along the street. City staff feels that if the homeowner wishes to expand the garage, they would need to tear it down and build a garage that meets the setbacks, which already are pretty minimal. However, if the planning commission wants to recommend approval of the

variance, they would need to spell out their findings or continue that portion of the application to a subsequent meeting.

The following were heard:

Mike Brady, 4952 Quail Ave N, spoke to the commission and said that he is looking forward to improving the home and have already done some improvements to it; it was in really bad shape.

He said he would like to offer an alternative. Their long-term plan would be to change the back of the house into the front of the house and have that be a nice entrance. With the garage being where it is it leaves more of that open space so you'll actually see the front of the house. He wanted to propose a change; he agreed to the setback from the street but wanted to keep the setback from the neighbor's house the same and he said he felt it fulfills the code requirements.

Commissioner Richter asked the property owner what the \$500 fee that he addressed in his letter was for. Mr. Brady said that it was for the variance application and that he appreciated Mr. Sutter informing him that as long as he was applying for a variance, he should add the garage also.

Mr. Sutter stated that if the Planning Commission wants to continue the h

Planning Commission discussion:

Commissioner Kolb said that the garages on that street are in a line and are very close to the street. He feels that moving one back to meet the setbacks would actually make the garage out of alignment with the other garages. He doesn't feel that there should be an issue with allowing the garage to be expanded since the other garages in that area aren't going anywhere either.

Commissioner Richter questioned whether the applicant would have to come back again if their variance is approved and Mr. Sutter said they would not have to re-apply.

Mr. Sutter said that 4 of the detached garages are right up on the lot line. The others except for one are all about the same age as the houses. The one directly north was built in 1984 and a variance was granted, he surmised that at that time they considered the Quail side the front yard, therefore a variance was needed to have an accessory building in the front yard.

He also said that of the other two, one is a one-car garage and one is a two-car garage. Two-car garages are now the new minimum, and one-car garages are more likely not to be preserved so that is part of the reason to hold the property owner to the code because market forces will eventually replace all one-car garages with two-car garages and will give the city the opportunity to get the encroachments removed.

Commissioner Von Rueden stated that if the current garage was demolished, the new garage should be built to the proper setback and Commissioner Strand agreed.

Commissioner Kolb stated that if the variance was approved, he wanted to make sure that if the garage were expanded, it would be expanded toward the house. Commissioner Kolb also questioned the three criteria needed to approve a variance; he felt that allowing an expansion of the garage toward the house would not alter the character of the locality as spelled out in item c. He also wanted clarification on item a. of the criteria.

Mr. Sutter said that item c. was the weakest in staff's opinion. They look at locality as being the city, and you don't see a lot of garages in the city this close to an alley or a street. The 3 foot setback has been in effect since 1946, it's a pretty minimal setback to begin with, and it's the standard in Crystal. Allowing this encroachment to become more permanent is what staff feels is altering the character of the locality. He also said that this really rests on item a., does the property owner have reasonable alternatives that meet the code.

Commissioner Kolb said that he didn't really see it as the Planning Commission telling property owners what option they should take, but that the commission should tell them what options are available and the property owners would then decide. He said that while he felt that tearing down the old garage and building a new, conforming garage was the better option, if they chose to expand toward the house he didn't see an issue with it and would be in favor of approval.

Mr. Sutter recommended that given the homeowners proposal, the commission may want to continue the item and staff can draft alternate findings of fact to support the homeowner's revised proposal and bring it back to a subsequent meeting.

Part A (house): Moved by Commissioner Kolb and seconded by Commissioner Heigel to recommend approval of Application 2013-16, in part, for a setback variance to allow expansion of an existing house at 4952 Quail Avenue North.

Motion carried.

Part B (garage): Moved by Commissioner Kolb and seconded by Commissioner Von Rueden to continue consideration of Application 2013-16, in part, for setback variances to allow expansion of an existing detached garage at 4952 Quail Avenue North.

Motion carried.

D. GENERAL INFORMATION

1. Letter sent to Metropolitan Council regarding the 2040 forecast

- Mr. Sutter updated the commission on a letter from the Builders Association to the Met Council. He mentioned that the Met Council may be trying to get the Legislature to declare housing a regional system the way roads, sewers and parks are. That would make it clearcut they can take these forecasts and turn them into mandates. Mr. Sutter also mentioned that he doesn't feel that the Met Council will continue in the form that has been presented so far.
2. City Council action on previous Planning Commission items:
 - Adopted an ordinance rezoning Crystal Gallery Mall to C-2 Planned Development for a new building, de-malling and parking lot improvements
 - Approved a CUP for an 8' tall fence at 7200 56th Avenue North
 - Adopted an ordinance allowing multicolor electronic signs
 3. Staff preview of likely agenda items for Monday, January 13 meeting (annual organizational meeting)
 - Mr. Sutter said that the findings of fact for the revised proposal for the garage at 4952 Quail will probably be completed.

E. OPEN FORUM

F. ADJOURNMENT

Moved by Commissioner Sears and seconded by Commissioner Buck to adjourn.

Motion carried.

The meeting adjourned at 7:55 p.m.