

PLANNING COMMISSION MEETING
July 14, 2009 (originally scheduled for July 7,2009)

PLANNING COMMISSION PRESENT: Asia Bednar, Joe Paiement, Chris White, Diane Wirth, Kevin Witt

STAFF PRESENT: Matt Kline, Chris Wallberg

OTHERS PRESENT: Michael Boldenow, Joseph Brennan, Bruce Lenzen, Eric Norha, Katheryn Norha, Molly Shodeen

1. **CALL TO ORDER** by Chair Paiement at 7:00 p.m.
2. **PLEDGE OF ALLEGIENCE** was said.
3. **MEETING MINUTES – M/S/P (Bednar/Wirth) to approve the April 7, 2009 PC meeting minutes. Motion passed.**
4. **APPLICATION BY ERIC AND KATHERYN NORHA FOR VARIANCE TO SETBACK REQUIREMENTS TO EXPAND THE HOME AT 1747 RIVERCREST**

A. Public Hearing on Application

1. **Call to Order** at 7:02 p.m.

2. **Introduction of Application** – Wallberg introduced application to allow expansion of the home at 1747 Rivercrest; existing home situated on bluffline; expansion proposed on east side of home will be lateral to bluffline and will not increase non-compliance to that setback; proposal for expansion mostly to west and up; expansion will increase second floor, but not building height beyond existing; Public Hearing has been posted and published according to State Law; one of the things in their packet was a letter from the City Engineer in which he had requested some additional information with regard to drainage issues; specifics requested have been provided to the City, and the Engineer now has the information that he needs; yesterday they received notification from WMO - their agency that does more with the work of the drainage situation; going forward, the WMO will have completed their work, and when it comes to them, that work will be completed and the Engineer will have signed off on it so that is a change they will work on to make; in this particular application, the information provided by WMO all along was given to the Board, and the Board had issues with it; the Board is proposing that they would recommend if they choose to do so that this be approved and contingent on their review in the completion of that drainage work.

Bruce Lenzen, Contractor. Wanted to address any concerns about the site, or if they have questions about the proposal; key point here is to address the drainage situation; at this existing home right now, all water from the home itself drains directly over the embankment; drains directly to the east; as he designed this home, basically they reversed the water flow including the expansion all to the east; small deck area, 10 x 16, that will need to be dealt with but basically the existing 2,600 sq. ft. footprint all basically drains straight over the bluffline and causing erosion; as they look through this, the entire home is guttered and all water flow being reversed away from the bluffline out into the front yard area; will continue to work with WMO and the City Engineer to insure they are pleased with what they end up with. White questioned east drainage. Lenzen said basically when they look at the site plan, they have the drainage flowing straight to the east so it goes out to the grass areas; there is an area to the north that did have some water, probably 100' to the west and north into a ravine there was a water issue there, but that was in the past; probably 8-10 years ago and apparently whatever work was done there has stopped that at this point; if the WMO wishes them to do raingardens or things like that, they will work with them to accommodate their concerns. In answer to Wirth, Lenzen will basically go with WMO recommendations; site is quite expansive, so there is room to do whatever they would need for water abatement; right now have sheet flow all going out to the lawns. Paiement clarified the basic intent here by way of expansion is just to add square footage, make the home bigger. Lenzen said that was correct; in the process of doing that they have managed to keep the original footprint essentially intact; the garage is beyond 40' setback; area of expansion on the home is where they are squaring off the home and the garage; he designed that also, so instead of doing a foundation there, there are only two piers needed as far as grading; will be just digging there and only two piers are holding up area there; not doing any grading or filling other than the boring within 40' of the bluffline. Paiement asked a little background because he didn't see it in the packet, asked when the home was built. Katheryn Norha said 1969. Witt thought all documents basically refer to a raingarden more or less; asked Wallberg if anything else has come up in the last day or two from what they had copies of. Wirth asked about trees and Lenzen verified three trees need to be removed to the west side; any other tree removal would be just to deal with the driveway area; only trees that will be removed are the ones they need to build the structure; as

part of design, dealing with the visual inconspicuous nature of the structure, he is actually reducing the north roofline of the home which is the visible part because there is a chimney that is visible and to the right of that at this point there is a gable roof; actually reducing that down to reduce the visibility from the River on the north side of the structure; they will be expanding on the south side

3. Public Comments –

Molly Shodeen, DNR. Had very fruitful discussion; met with them last spring and they did just about everything they asked them to do; still has a little concern over the increase in visibility, especially the one photo that shows the structure; seems to her if they can see the chimney, that will not be replaced by windows and raised roofline over that part, so thinks there will be an increase in visibility; doesn't know exactly how to deal with it because the house is so close to the bluffline; if they do any planting on the bluff, it is tenuous; if there is any ability to do any planting to screen it over time, she would recommend that but plantings that would screen it would have to be just down the bluff from the structure and if they could plant in there and get them going and keep them going, that would be ideal; in answer to Wirth, this was built prior to Lower St. Croix National Scenic Riverway regulations initiated in 1972.

4. Written Comments –

- WMO comments referred to earlier dated 7/13/09 (on file at City Hall)
- Email from Molly Shodeen, DNR, dated 7/09/09 (on file at City Hall)

5. Hearing Closed at 7:15 p.m.

B. Discussion & Recommendation

White requested hardship be noted for variance issue. Lenzen's understanding about hardship requirement is that the structure is 40 years old, perimeters of the exterior has not been improved upon and was bought as a teardown; structure should be replaced, and there are issues with that; in looking at that as far as the variance goes, the only logical way to expand the home without being forced to remove the entire home and move it back 40' would cause an economic hardship; because the area of expansion is not conspicuous and they are also dealing with water issues that exist on this structure, that is reason why they are asking for the variance; expansion doesn't increase the non conformity of the structure; expansion is still further from the bluffline than the existing structure is; as he read the request for variance, given it was not increasing the non conformance, it would be an economic hardship to have to remove the home and build an entirely new structure; as far as he knows, they are meeting all the criteria of protecting the Riverway; Wallberg said what Lenzen is suggesting is area where the garages are but they are attached to the existing structure, so they have to address the whole structure; thing about the structure is it doesn't meet the front setback of the bluff; main floor will stay and portions of the 2nd floor; minimal increase in impervious surface that is within 20% maximum; 5/26/09 letter from Eric Norha is on file where it states the expansion will not increase the non-conformance of the structure, it is no closer to the bluffline, and it is in keeping with the standards of this residential neighborhood.

M/S/P (White/Witt) to make a recommendation to the City Council to approve the variance application by Eric and Katheryn Norha to setback requirements to expand the home at 1747 Rivercrest, with the contingency on drainage reviewed and approved by WMO and the City Engineer. Motion carried.

5. APPLICATION BY LAKELAND PUBLIC WORKS FOR VARIANCE TO YARD SETBACK REQUIREMENTS TO CONSTRUCT A DUGOUT AT CROCKER PARK/8th STREET AND QUINMORE AVENUE NORTH

A. Public Hearing

1. Call to Order at 7:35 p.m.

2. Introduction of Application – City Clerk noted for record this application went through process and has been posted and published according to State Law. Matt Kline, Public Works, introduced application noting the City received a Twins Grant to install dugouts at Crocker Park; where they want to put one dugout is totally in the setback, so are requesting a variance; dugout will fall entirely in the setback; no other place they can put it if they put matching dugouts on each side; only need variance for one side – other side is not needed; map has been changed to 30' instead of 20'; doesn't change how far they are coming into the setback, but changes the length. Bob Craggs, Park's Commissioner, said this year they have been able to have multiple teams play at the field and actually used Staff in the upgrade and maintenance of the field; have done quite a bit of maintenance as well as having flexibility in terms of the bases; practices are taking place every day of the week except for Sunday; most of teams are practicing, but one team actually playing games so they put in a set of bases as official; with Kline's help and the CC's support they have basically made an application to get some funding to put the dugouts in and continue to upgrade. Wirth asked if it didn't qualify being a Little League field. Craggs said there are all different kinds of leagues now, so does quality for a couple of different leagues being played; Livingston would be much more apprised of all the leagues; wanted to have some flexibility in terms of the length; different spec's for size dugouts depending on the age of the

baseball players; obviously the older you get the bigger you are so the more space you need to have a whole team sitting in the dugout; rationale behind wanting to have it a little bit longer is to have some flexibility to have some older teams play; right now basically 11 and under playing, but it is big enough to have older teams play as old as 16; apologized ahead of time for changing spec's, but they think it worthwhile to give them the flexibility to have it 30' instead of 21' and the encroachment won't be any more than what presently on this plan. Kline said they are also doing it as a safety issue; foul balls that are coming in - they want to make sure the kids are sitting on the bench and that there is a roof over them; at the very least, thinks the League of Minnesota Cities insurance recommends having the fence in front if you have dugouts.

3. Public Comments –

Mike Boldenow, 785 Quinmore Avenue North. Has the only property affected by this dugout; wants to commend the City with the rebuilding and work that has been put in; his wife and he are excited about all the games they see there; wanted to get more information about the quality of the construction; little concerned about it being bigger - 30' seems excessive to him for Little League and also about profile; has there been any talk about putting it partially below grade which is a true dugout. Kline said it would be actually a chain link fence all around; below grade would probably triple the cost; just a fence and benches; for right now they will make it so eventually the possibility would be they could put in concrete slab down on the bottom; right now will probably be some type of drainage material so it drains; haven't really decided what to do on the roof – can either be shingled or metal; his thought was some of it would be volunteer work on his part too so it gives them more leeway on their costs; will be pretty basic. [Matt Kline was able to talk with Mr. Boldenow while meeting still in progress.]

Joseph Brennan, 1081 Quixote Avenue North. Has property adjacent to this and received notification but never saw a drawing. [Brennan provided a packet showing where it will be located and had no further comments].

Bob Livingston, CC. Wanted to address issue of Little League or small ballpark; it is a full sized ballpark for anyone short of high school varsity; had too short a left field fence for it to truly be a 17-18 college/adult type of field unless they made modifications to the height of the fence to make it more difficult; one thing the City has done, that as a baseball person he is very happy about, is both the pitcher's mound and the infield are structured for either 60' bases which is young kids (Little League), 70' bases which is usually a 13 year old transition, 80' bases which is generally a 13-14 instructional league transition, and full size 90' with bases; can measure it by changes to the distance between the pitcher's rubber and home plate; he is the one who didn't want to see 20' dugouts in there, and reason for it is they are trying to attract crowds and promote use; thinks that is why Craggs and the CC and Staff have been spending so much emotional energy and work on their parks for exactly that reason; to him, that is what Lakeland should be in terms of its service; if they get anywhere beyond small 12 year olds, when you have a 20' dugout and 15' bench, when a team is up to bat there can be as many as 13 people, traveling teams are 15 sitting on a bench; even when you have rather small backsides, 13 into 15 doesn't give you a whole lot of space; is a safety issue now that the leagues are coming down hard on the issue of kids running around outside the dugout; have been injuries, and the strong recommendations today from the baseball community is to provide sufficient bench space so that the coaches can enforce 'sit-down'; can tell them as a former umpire that if the coaches don't enforce it, the umpires now in training are given the authority to call for safety issues; going to 30' gives them about 21' of benches which is still short he believes of the benches that are there; thinks that is 24'; 21' is fine and also gives them room at the outfield end of each dugout to allow for helmet storage and bat storage; another safety issue is helmets being kicked around and cracking; very difficult sometimes to see an incipient crack; once that structure is violated, the helmet is no good as a safety issue; other issue is people stepping on bats that are just strewn on the ground; actually dugout cleanliness and organization is a safety issue; type of good comments that are coming about Crocker that are going around the youth sports community, he has no doubt they will be getting 13-18 year old teams asking to practice and play there; thinks they need to be prepared; criteria that he used at least in youth baseball, the Babe Ruth organization, covers 13 year old league, 14-15 year old league, 16-18 year old leagues; they have the whole spectrum of older than Little League kids in there; they have field spec's that are highly detailed and highly cognoscente of safety; he measured where the coaches boxes are, guy in the hole, etc.; they specify this and if you stay as close to it as you can within the limits of your property and they don't have enough to give a full 60' behind home plate before you get to the backstop, but that is okay, they have enough; if they stick to spec's as closely as they can, that is another thing they can check off if there ever is an accident and is litigation that what they did conformed to specifications by recognized national organizations.

4. Written Comments - none

5. Hearing Closed at 7:50 p.m.

B. Discussion & Recommendation

Bednar questioned right of way and setback referring to map dimensions [brought up storage building in right of way]. Wallberg has talked with Kline about the area right across the street from that, 15' into the paved roadway is actually vacated street; if at some point the City would need that area, then anything within the right of way has to come out; they are making recommendation on a variance to put the dugout in the right of way. Bednar's other concern regarded roof; initial proposal had steel roof; during thunderstorms, a steel roof wouldn't necessarily be the best option. Kline clarified for White that floor will be something that will drain such as pea gravel; parks department would most likely do maintenance. Bednar also asked if in the future there was any idea of providing for additional parking. Wallberg said that as of right now, the ordinance is very specific that parking is permitted for use of the park; nothing in the ordinance that precludes them from doing that; if their concern is that it gets overrun and it gets to be a problem, then they need to petition CC to make a change in parking for that use. Craggs thinks Bednar raises a good point; doesn't think they have thought that much about it, at least he hasn't; thinks that is something they need to think more about for next year and probably monitor a little more closely; as he mentioned, the park is getting used 6 out of 7 days a week now for practices, and then there have been some games; thinks they need to probably think further on that as they go forward; as they know at Humphries park they actually did some improvements this year in terms of the parking lot. At a game that Livingston observed, there were probably 150 people and 40-60 cars and in answer to White, there was no illegal parking; agrees with Craggs that all three of their other parks have parking and this one doesn't; of course, this one doesn't have much room for it either; agrees this is something they hopefully will have to consider.

M/S/P (Wirth/Bednar) to recommend that the CC approve the application by Lakeland Public Works for variance to yard setback requirements to construct a dugout at Crocker Park/8th Street and Quinmore Avenue North with further recommendation that the roof be constructed of something other than metal. Motion passed.

Wallberg asked for clarification of 'other than metal.' Livingston said there are specifications, designs, and diagrams provided by leagues for grade level dugouts; will be happy to point out to Staff as to where they are available; Bednar is right about safety issues with metal roofs; used to be metal roofs but they are not recommended anymore.

7. MEMBER REPORTS

Bednar brought up weed removal on bike path around poles and under benches. Wallberg noted they have had a couple of matters that have come up with two City businesses, one the Thrift Shop and the other at St. Croix Business Center; mailed them a friendly letter asking they take care of the issues; copies were sent to PC liaison so they are aware of it; liquor store license has not been approved by the State, and with the crisis the Erickson family recently experienced, the liquor store was put on hold for a period of time; still on plan by year end.

8. ADJOURN – M/S/P (White/Witt) to adjourn at 8:04 p.m. Motion passed.

Joe Paiement, Chair

Kate Piscitello, Recording Secretary