

Cambridge Planning Commission Meeting Minutes Tuesday, August 1, 2023

Pursuant to due call and notice thereof, a regular meeting of the Cambridge Planning Commission was held at Cambridge City Hall, 300 3rd Avenue NE, Cambridge, Minnesota.

Members Present: Commissioners Robert Boese (Vice Chair), Joe Morin, Julie Immel, David Redfield, and Aaron Berg (City Council Representative).

Members Absent: Jessica Kluck (Chair) and Michael Liddy.

Staff Present: Community Development Director Marcia Westover, City Planner Jacob Nosbush.

Call to Order and Pledge of Allegiance

Boese called the meeting to order at 7:04 pm and led the Pledge of Allegiance.

Approval of Agenda

Immel moved, seconded by Berg, to approve the agenda. Upon roll call, all voted aye, no nays. Motion carried 5/0.

Approval of Minutes

Morin moved, seconded by Redfield, to approve the June 6th, 2023 Regular Planning Commission Minutes, and June 16th, 2023 Special Planning Commission Meeting Minutes. All voted aye, no nays. Motion carried 5/0.

Public Comment

No public comment

Unfinished Business

No unfinished business

New Business

A PUBLIC HEARING- Variance- Accessory Structure Height & Impervious Surface Coverage- 946 Roosevelt St S

Public Hearing

Boese opened the public hearing at 7:06 pm.

Shaela Garcia, 946 Roosevelt St. S, stated city staff was present when the cement was poured and they signed off on the job. It was brought to their attention approximately one month after the job was complete that their lot was over the impervious surface allowed by the city by .8%. Garcia requested to keep the apron as-is or get a reimbursement from the city of \$850.00 if it needs to be removed.

Garcia continued, when they applied for a permit for the shed, they failed to note the additional eight inches of block foundation, which caused the sidewall height to go over the allowed 10 feet. She felt having to lower the height of the shed was unreasonable.

Boese closed the public hearing at 7:11 pm.

Nosbush summarized the request to increase the allowed impervious surface from 30% to 30.8%, and to increase the allowed accessory structure sidewall height from 10 feet to 10 feet, 8 inches. The shed in question was permitted in May of 2022 and a footing inspection was completed on June 9, 2022. No further inspections were completed.

Nosbush explained the site was noticed by a staff member when construction continued a year after the last inspection. The landowners were notified that the permit had expired and they renewed it. At that point staff noticed that the concrete patio area in the backyard was relatively new, which caused the lot to exceed the impervious surface limit by 113 square feet, or .8%. The structure height was also noted at that time.

In both cases, Nosbush said, the reason stated by the landowners was they utilized extra materials without realizing it would cause their site to become noncompliant. The additional concrete patio surface and course of blocks on the shed were not noted on the approved site plan for the shed. Per the homeowners, city inspectors had been on the site on multiple different occasions related to the structure itself as well as an unrelated deck variance and permit in 2016.

Nosbush said staff recommended to deny both requests due to lack of a practical difficulty. City inspectors' presence was not for approval of plans for the site, but rather for inspection of the shed itself, therefore, a lack of noticing the noncompliance on the site should not be misconstrued as approval of noncompliance.

Berg asked if the Cross Section plan was submitted with the application for the original permit, Nosbush said it was. Berg then asked the size of the apron in front of the shed, Nosbush said it was approximately 115 square feet. In order to come to compliance, the applicant needs to remove 113 square feet. There are alternate options on the property to meet this requirement. Berg asked if taking eight inches off the top of the structure wall would allow the concrete block to remain in place, Nosbush said that would be an acceptable alternative to removing the block.

Redfield asked how many height variances were granted in 2022, Nosbush thought there were one or two granted for multi-family homes. Redfield then asked how many were granted in the past three years, Westover said that three had been approved.

Immel asked Garcia where the gutter on the side property drained, Garcia answered that it runs into the garden area and down the patio onto the grass. Garcia noted he has worked with three different city inspectors from the start of this project and felt the permits should be clearer on the regulations. He restated they thought they were doing things correctly.

Redfield motioned, seconded by Morin, to recommend approval of both variance requests.

Berg asked if the impervious surface recommendations of 30% were from the DNR or part of the City Code, Nosbush said he thought it was both. DNR enforces the polices stronger in areas of shoreland zoning, but the 30% is taken directly from the City Code.

Immel noted she would like to see the city being clearer with homeowners on the 30% impervious surface coverage limit to avoid situations like this in the future. She felt the Garcia's went through the correct steps for this project.

Berg said just because city inspector did not catch a violation it does not make it legal. He felt that coming into compliance for the structure sidewall height would be relatively simple, Garcia agreed and expressed more concern about hardship of removing the apron.

Berg questioned if other impervious surfaces could be removed on the property, such as narrowing a driveway or removing a sidewalk, to retain the patio and apron, the Garcia's felt that was not practical.

Berg asked Nosbush how impervious surface was calculated, Nosbush said the square footage of the house, garage, driveway, etc., are combined from documented measurements, and calculated using the lot size. Staff uses GIS software for non-documented measurements. Berg asked if there was a margin of error using GIS software, Nosbush believed it could be as much as five square feet, but he would have to verify with the county. Westover said if the homeowners disagreed with staff findings, the next step would be for them to hire a surveyor for professional calculations.

Berg asked if Roosevelt Street South had a right-of-way or a road easement, Nosbush said he believed it was a right-of-way, which is not included in square footage calculations, where an easement would be included.

Upon vote, Redfield and Boese voted aye. Berg, Immel, and Morin voted nay. Motion denied 2/3.

Immel motioned, seconded by Redfield, to recommend approval of the variance for the impervious surface and deny the variance for the side wall height. Morin, Redfield, Boese and Immel voted aye. Berg voted nay. Motion passed 4/1.

Berg reminded the homeowners that the decision made by the Planning Commission would go as a recommendation to City Council. The final decision would be held by City Council on August 21st starting at 6 pm. Attendance is not required, and the homeowners would not have an opportunity to speak unless requested by Council for questions.

B. PUBLIC HEARING- Interim Use Permit- Building used for Storage- 728 Main St N

Westover said the property at 728 Main St. N. is zoned B-2 Highway Business district. The applicant is requesting an IUP to use the property for storage, buildings used as storage alone are not permitted in the B-2 zoning district. Keith Peterson purchased the property in 2015 and reported at that time there would be office space in the building. He submitted a written document and floor plan with the

remodeling permit identifying office use, which is permitted in the B-2 zoning district. In 2017 the water was turned off due to a water main break and has yet to be reconnected. An office is required to have a bathroom per MN State building code, therefore making the building even more non-compliant.

Peterson is requesting an IUP to continue using the building as storage only. Staff recommend denial of this request since it will set a precedence and does not conform to the Comprehensive Plan or Zoning Code. The B-2 Highway Business district is intended to provide space for auto-oriented uses and service businesses which are located in close proximity to major thoroughfares or highways in order that highway service types of land use can be provided. Storage and warehousing uses are better suited in industrial districts.

Public Hearing

Boese opened the public hearing at 7:57 pm.

Keith Peterson, of 525 Winnetka Place, noted when he purchased the building he intended to use if for office space, but due to changes in his business he was unable to do so. He stated financially he was unable to remodel the office to include a restroom. He said his request was to continue using the building as-is for a short period.

Boese closed the public hearing at 8:01 pm.

Morin said since he has been a Cambridge resident, this building has changed ownership three or four times. He said the appearance is neat and tidy, Peterson interjected saying the appearance of the property needs improvement and it was recently cited for debris. Morin noted that storage pod IUPs have been granted to properties that are more unsightly than this property. He has not heard of any complaints regarding the property and he was in favor of the IUP for five years.

Immel asked what storage neighboring properties had, Westover said both neighboring properties have had code enforcement cases, but they both have an office space which is an allowed use. Peterson is requesting to use the entire building for storage, which goes against city code.

Berg asked if the exterior storage violation was the only violation issued for this property, Westover said there have been two, one for outdoor debris and the other for using the building as storage.

Morin motioned, seconded by Immel, to recommend approval of the IUP request for up to five years.

Berg stated that exterior storage would be a violation of city code and asked Morin to consider amending his motion to add no exterior storage as a condition to the permit. Redfield asked if a small amount of outdoor storage could be allowed if it were out of site, Westover said city staff would not allow that. Berg noted that if the condition wasn't included in the motion, it would still be a violation of City Code. Morin said he would amend his motion to include the condition of no outdoor storage allowed. Immel agreed.

Upon vote, Morin, Immel, Redfield and Boese voted aye. Berg voted nay. Motion passed 4/1.

C. PUBLIC HEARING- Ordinance 770 Amending Chapter 156- Zoning, Sections 156.007, 156.040, 156.041, & 156.091

Nosbush presented the request to amend Title XV: Land Use, Chapter 156 Zoning; Sections 156.007 Definitions, 156.040 Business Districts, 156.041 Industrial Districts, and 156.091 Veterinary Clinics. The changes include adding a definition of commercial kennel, adding the use to the use tables of both Business and Industrial districts, and expanding § 156.091 to include standards for commercial kennels which are not located at veterinary clinics.

Nosbush noted this request was directed by City Council at the June 20th meeting in response to a request by a commercial kennel to operate within city limits, despite the lack of a City Code section specifically addressing this use, making it non-allowed under current City Code. Some language included in the proposal was taken from related codes from Forest Lake, Monticello, and Elk River. Additionally, the rough draft was sent to the MN Board of Animal Health for review and added the few suggestions they made.

Public Hearing

Boese opened the public hearing at 8:23 pm.

No one approached to speak.

Boese closed the public hearing at 8:24 pm.

Redfield asked why line B5 read 'sufficient size' while line B14 gave specific measurements of 100 square feet per animal, Nosbush said line B5 was taken directly from the state statute. Redfield then asked what the statute read for line B14, Nosbush said there was not a laid-out requirement for an outdoor run in the state statute, some kennels are allowed an indoor play area. Staff decided on 100 square feet through research, along with review by the MN Board of Animal Health. Redfield then asked about line B12 not allowing animals that have been deemed dangerous or aggressive, Nosbush said the goal was to not open up the possibility for problems, especially in a setting where the animal would be interacting with people and other animals.

Morin asked if the ordinance had been reviewed by the Cambridge Police Department, as he noted they sometimes keep found dogs overnight. Berg noted there is a contract for animal control services that handle found dogs. Morin asked if they were available 24 hours a day, Immel said they were. Morin mentioned the Isanti County Humane Society in the city that holds dogs overnight, Westover said they no longer operate in city limits.

Boese mentioned line B2 No Commercial Kennel may operate in a multi-tenant building, asking for clarification on whether that would have affected the past application. Nosbush said based off the proposed language, yes, due to concerns of potential noise and complaints. Boese asked if any other city had this in their code, Nosbush said there was another city that had this written in their code. Westover said staff considered that most multi-tenant buildings within the city do not have adequate space to operate a commercial kennel.

Immel noted line B3 said no breeding of animals, but didn't clarify people who were fostering animals or doing stray holds. Nosbush said this ordinance was for those businesses doing overnight boarding, rather than individual owners utilizing same-day services such as grooming or veterinary services.

Immel asked who determined the required vaccinations mentioned in line B4, Nosbush said this was deferred to animal control staff to provide input. The way it was worded allowed flexibility if it was decided to add or deem a vaccination unnecessary. Immel suggested adding wording such as "as recommended by a license veterinarian." Redfield said the state had minimum vaccination guidelines that should be followed. Immel asked if staff should consider adding in a timeframe for situations such as a foster animal or stray hold to get the required vaccinations for the animals in their care. Nosbush said that was a possibility if the commissioners felt the need, though this situation could fall into the area of being a code violation and, therefore, given time to come into compliance, as with any code violation. Berg said he felt the intent of the code was not for fostering situation, but the possibility of a commercial kennel taking in a foster dog was likely and felt this was a valid question. Redfield said he felt this fell within the area of noncompliance, as Nosbush suggested, and did not need to be specifically stated. Nosbush mentioned keeping of a foster animal, or the operation of a humane society, would fall under a different IUP request than would a commercial kennel.

Immel said Nosbush mentioned there are cities that have only indoor runs or play areas, and asked if this is something that would be allowed within the city. Nosbush said this would be allowed however the intent was to have a dedicated outdoor area, partially for cleanliness and removal of waste.

Berg asked if getting written permission from landowner if space is leased should be included, since the property owner would be held responsible for activities held on their property. Nosbush said a signature from the property owner was already a requirement for all IUP applications.

Berg asked how much the IUP fee was, Nosbush said he believed it was \$50 annually. Berg asked if there was an escrow requirement with an IUP application, Nosbush said there was not. Berg said that staff time needed to be covered for the initial inspections, and recommended cost to be calculated and billed back to the applicant to cover additional costs. Nosbush said that could be considered and brought back at a future meeting.

Nosbush asked commissioners for clarification on wording for line B4, commissioners agreed to include "any applicable required vaccinations per state guidelines."

Berg motioned, seconded by Redfield, to recommend approval of the amended draft Ordinance 770. All voted aye, no nays, motion passed 5/0.

Other Business/Miscellaneous

A. City Council Update

Berg mentioned Council approved many street improvement contracts. Redfield asked if the kennel IUP was officially denied in July, Berg said it was. Strong Oak Apartments has been making progress.

B. Parks, Trails, and Recreation Commission (PTRC) update

Westover noted the July PTRC meeting was canceled due to lack of agenda. Be sure to attend the park events such as concerts in the park!

Immel asked the status of the park restrooms, Westover said the City Park restroom has reduced hours and closes at 7 pm. City staff have created a log to note any damage, and when it occurs, to help narrow down a timeline for the vandalism.

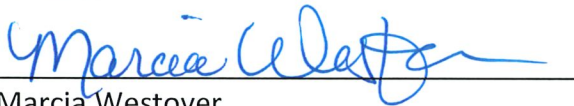
Adjournment of Planning Commission Meeting

Being no further business before the Commission, Morin moved, seconded by Immel, to adjourn the regular meeting at 8:50 pm. All voted aye, no nays. Motion carried 5/0.



Jessica Kluck, Chair
Cambridge Planning Commissioner

ATTEST:



Marcia Westover
City Planner