

**MINUTES
CITY OF LONSDALE
REGULAR PLANNING & ZONING COMMISSION MEETING
FEBRUARY 22, 2021**

MEMBERS PRESENT:

Voting Members: Jim Freid, Lou Jirik, Joe Kodada, Mark Ward, and Dave Webb
Council Representative: Kevin Kodada

MEMBERS ABSENT:

None

STAFF PRESENT:

City Planner Benjamin Baker

1. CALL TO ORDER

Chair J. Kodada called the meeting to order at 6:30 pm in the Council Chambers at 415 Central Street West.

2. AGENDA

J. Kodada asked if anyone had any additions or deletions to the agenda.

A motion was made by Freid and seconded by Webb to approve the agenda as presented.
Vote for: Freid, Jirik, Kodada, Ward and Webb; Against: None. Vote: 5-0. Motion carried.

3. APPROVAL OF MINUTES

J. Kodada asked if anyone had any comments or corrections to the Minutes.

A motion was made by Ward and seconded by Webb to approve the Minutes from the February 22, 2021 Regular Meeting as presented. Vote for: Freid, Jirik, Kodada, Ward and Webb; Against: None. Vote: 5-0. Motion carried.

4. PUBLIC COMMENT

None

5. PUBLIC HEARINGS

- a. Review Ordinance 2021-305, an Ordinance Amending and Updating City Code §153.062, Landscaping and Turf Establishment

Chair J. Kodada noted the public hearing notice, and he opened the public hearing. Baker said that the Planning Commission had reviewed the subject of new home construction landscaping and turf establishment at prior meetings. He read through the associated Staff Report, which provided an overview of past practice, noted noncompliance issues, and recommendations from the City Attorney. Baker said that on January 4, 2021, the Council approved increasing the landscape escrow amount from \$3,000 to \$5,000, which was recommended by the City Attorney. Baker said that the City Attorney also recommended updating City Code §153.062, and the City Engineer recommended adopting a Survey & Grading Policy. He said that they also recommended adding specific language to the Building Permit application form to address right-of-entry and waiver of assessment hearing/appeal.

Baker went through the proposed ordinance sections, which including updated language on General Landscaping, As-Built Grading Survey, Trees, Turf Establishment, Landscape Escrow, and Violations. Baker provided insight on soil establishment, final grade, seeding vs. sodding, boulevard areas, liability for drainage issues, required trees, temporary and final certificate of occupancy, and items that needed for landscape escrow release. He said that City may use the landscape escrow and assessments to cover the costs associated with fully completing and/or approving non-compliant items.

J. Kodada provided opportunity for the public to speak on the matter. No one responded to the invitation.

A motion was made by Jirik and seconded by Webb to close the public hearing. Vote for: Freid, Jirik, Kodada, Ward and Webb; Against: None. Vote: 5-0. Motion carried. The hearing closed at 6:49 pm.

6. GENERAL BUSINESS

- a. Cities Regarding Foundation/Footing Elevation Check/Survey for New Home Construction

The Planning Commission reviewed responses from five larger area city Building Officials, including Shakopee, Savage, Prior Lake, Lakeville, and Farmington, in regard to a questioner on if/how foundation elevation checks are handled. Baker and K. Kodada explained that due to a recent lawsuit concerning a home being raised over 1 ft., the City was researching what other cities do to help prevent home elevation changes in the field. J. Kodada and K. Kodada explained how lasers are typically used in the field to verify foundation heights prior to framing. Baker said that Lonsdale's Building Official is in favor of a foundation as-built survey, but Baker stated that only 1-of-5 of the area cities requires that be completed. He said that all five area Building Officials commented that they rarely have any issues with homes being raised outside of the standard tolerance levels. Baker stated that the City of Shakopee does have their Engineering Department review any surveys or grade changes.

b. Consider Approval of Ordinance 2021-305, an Ordinance Amending and Updating City Code §153.062, Landscaping and Turf Establishment

Baker said that no verbal or written comments were received. Baker provided a brief overview of the proposed ordinance update, and he recommended approval of Ordinance 2021-305. Overall the Commissioners agreed with the proposed ordinance amendment.

A motion was made by Freid and seconded by Webb to recommend approval of Ordinance 2021-305, an Ordinance amending and updating City Code §153.062, Landscaping and Turf Establishment. Vote for: Freid, Jirik, Kodada, Ward and Webb; Against: None. Vote: 5-0. Motion carried.

Baker said that the ordinance will be reviewed at the March 25, 2021 City Council meeting.

c. Consider Approval of a Survey & Grading Policy for New Residential Home Construction

Baker provided the Commissioners with a copy of the Legacy Meadows Grading Plan, the Amended Legacy Meadows Grading Plan, a Certificate of Survey, and Grading As-Built Survey for a Harvest Drive SE parcel, located within Legacy Meadows, as an example of what the City Engineer looks at when reviewing elevations and drainage for new home construction. He went through a proposed Survey and Grading Policy for Residential New Home Construction recommended by the City Engineer and reviewed by the City Attorney. The Policy provided details on permit application submittal requirements, including 25 items needed for a certificate of survey, and 15 items needed for an as-built grading survey approval. Baker also explained the financial security and review/inspection fee sections of the Policy. He provided further details on landscape escrow usage/forfeiture, along with assessments against the property for costs associated with bringing the property into compliance. After further review and discussion, the Planning Commissioners agreed with the new Policy.

A motion was made by Jirik and seconded by Webb to approve a Survey & Grading Policy for New Residential Home Construction. Vote for: Freid, Jirik, Kodada, Ward and Webb; Against: None. Vote: 5-0. Motion carried.

d. Upcoming Planning Commission Initiative - Sign Ordinance Update

Baker explained that last year, the City Attorney recommended updating Lonsdale's Sign Ordinance, which was last adopted back in April 2008. Baker went through a 7-page informational memo from the League of Minnesota Cities, entitled Sign Ordinance and the First Amendment, which provided guidance for cities looking to create/update their sign ordinance. Baker highlighted the main items from the document, including First Amendment Principles, Reed vs. Town of Gilbert, content-based vs. content-neutral, commercial speech vs. non-commercial speech, drafting a sign ordinance, provisions to avoid, and common sign ordinance issues. Baker briefly highlighted sections within Lonsdale's current ordinance that could get challenged or may need to be updated. The Commissioners expressed frustration with other signs/flags given the same rights as the United States of America flag. He said that he will have the City Attorney provided comments and direction on exact changes that will need updating.

e. Informal Feedback Regarding Shipping Containers used in Residential Neighborhoods

Baker asked the Commission to provide general informal comments regarding allowing shipping containers in residential neighborhoods, based on a recent request from a Al Sevcik, 115 4th Avenue NW. The Commissioners reviewed a correlating map and pictures of shipping containers along with shipping container made to look like sheds. The Commissioners all agreed that residential sheds should look similar to the principal structure and be constructed of similar materials. They didn't like the idea of allowing shipping containers in residential areas, unless a pitched roof with shingles and residential siding were added to the shipping container. K. Kodada said that it would probably be easier and cheaper to just construct a normal shed.

7. MISCELLANEOUS

- First National Bank of LeCenter – Freestanding Sign Update. The Commissioners reviewed a picture showing a freestanding sign at the new bank site. Baker said that the new sign will be 75 s.f. instead of 50 s.f. and include a digital reader board/screen.
- 521 Cottonwood Street NE – Beekeeping License Request. Baker said that a Beekeeping License application was recently submitted to the City. He said that neighboring properties within 350 ft. have 14 days to reply with any comments or concerns. The Commissioners reviewed a map of the property along with Lonsdale's Hobby Beekeeping Policy.
- Update on iWorQ Building Permit Software. Baker provided a brief update on Lonsdale's building permit software initiative.
- Status of a Rice County of Urban Reserve Re-Zone Application. The Commissioners reviewed a Notice of Hearing from Rice County which showed that the discussed Kes Rezoning request was an Old Business Agenda Item on the April 1, 2021 Planning Commission meeting.

8. ADJOURNMENT

A motion was made by Jirik and seconded by Ward to adjourn the meeting. Vote for: Freid, Jirik, Kodada, Ward, and Webb; Against: None. Vote: 5-0. Motion carried. The meeting ended at 7:38 pm.

Respectfully Submitted:

Benjamin Baker, City Planner