



**PLANNING and ZONING COMMISSION  
MINUTES  
SEPTEMBER 9, 2009 (Wednesday)**

**Albertville Council Chamber**

**7:00 PM**

**CALL TO ORDER – ROLL CALL**

Commission member Kocon called the Albertville Planning and Zoning Commission meeting to order at 7:05 p.m.

**PRESENT:** Commission members Frank Kocon, Robert Olson, and Dale Edgren, Council liaison Dan Wagner, Assistant City Planner Carie Fuhrman, Zoning Administrator/Building Official Jon Sutherland, and City Clerk/Recording Secretary Bridget Miller

**ABSENT:** Chair Sharon Leintz and City Planner Al Brixius

**ADOPT AGENDA**

Commission member Kocon asked for a motion to approve the agenda as presented.

**MOTION BY** Commission member Olson, seconded by Commission member Edgren to approve the Wednesday, September 9, 2009 agenda as presented, which will be scanned and an electronic copy will be kept on file in the office of the City Clerk. Motion carried unanimously.

**MINUTES**

Commission member Kocon asked if there were any changes, additions, or deletions to be made on the Tuesday, July 14, 2009 regular Planning and Zoning Commission minutes.

Commission member Olson commented that Council liaison Dan Wagner was not present at the July 14, 2009. The minutes should reflect that Council liaison Tom Fay attended the meeting.

**MOTION BY** Commission member Edgren, seconded by Commission member Olson to approve the Tuesday, July 14, 2009 regular Planning and Zoning Commission minutes as amended, which a signed copy will be scanned and an electronic copy will be kept on file in the office of the City Clerk. Motion carried unanimously.

## **PUBLIC HEARINGS**

### **ZONING ORDINANCE AMENDMENT REGARDING REQUIRED FENCING, SCREENING, AND LANDSCAPING: PROPOSED **ORDINANCE NO. 2009-016** ENTITLED AN ORDINANCE AMENDING THE LIST OF LANDSCAPING SPECIES SUITABLE AND ADDING A LIST OF LANDSCAPING SPECIES PROHIBITED WITHIN THE PUBLIC RIGHT-OF-WAY AND THROUGHOUT THE ENTIRE CITY (SECTION 1000.7)**

Commission member Kocon opened the public hearing at 7:08 p.m.

Assistant City Planner Fuhrman reported that staff is interested in establishing a list of trees that would not be allowed to be planted within the Albertville city limits. To accomplish the adoption of the list would require an amendment to the 2005 Albertville Municipal City Code – Appendix A (Zoning Ordinance) Section 1000.7.

Fuhrman went on to inform the Commission that staff has conducted a preliminary research and has found that other communities outright banned the planting of certain trees and or shrubs; while other have banned the planting of certain trees and or shrubs within the public right-of-way or in commercial/industrial areas.

Following the research, staff will be recommending three (3) amendments to Appendix A (Zoning Ordinance) Section 1000.7 of the 2005 Albertville Municipal City Code.

1. Amending the list of landscaping species suitable for planting within the City'
2. Establishing a list of trees that would be prohibited from being planted within the public right-of-ways in the City of Albertville (this has been reviewed by the Public Works Supervisor); and,
3. Establishing a list of trees that would be prohibited from being planted anywhere within the Albertville city limits.

Commission member Kocon asked if any Commission members had questions or concerns regarding the proposed ordinance amendment, which relates to the fencing, screening, and landscaping section of 1000.7 of the 2005 Albertville Municipal City Code.

There were minimal comments from the Commission members.

Commission member Kocon asked if there was anyone in the audience that wanted to share comments or concerns regarding the proposed ordinance amendment that related to the number of temporary signs that are allowed per year. There were no additional comments or concerns from the audience.

Commission member Kocon closed the public hearing at 7:11 p.m.

After reviewing and discussing the Appendix A (Zoning Ordinance) Section 1000.7 of the 2005 Albertville Municipal City Code related to the fencing, screening, and landscaping, the following motion was made:

**MOTION BY** Commission member Olson, seconded by Commission member Edgren to approve Zoning Ordinance Amendment regarding required Fencing, Screening, and Landscaping: proposed **Ordinance No. 2009-016** entitled an Ordinance Amending the List of Landscaping Species Suitable and Adding a List of Landscaping Species Prohibited within the Public Right-of-Way and Throughout the Entire City (Section 1000.7), with staff's recommendations, City Planner's report dated September 2, 2009 and; contingent upon City Council approval at the October 5, 2009 regular City Council meeting or a meeting soon thereafter, at which time the Ordinance Amendment will be presented for Council review and approval. Motion carried unanimously.

**ZONING ORDINANCE AMENDMENTS REGARDING FRONT YARD SETBACK REDUCTIONS IN RESIDENTIAL DISTRICTS; YARD SETBACK ENCROACHMENTS; AND TOWNHOME REDEVELOPMENT STANDARDS: PROPOSED ORDINANCE NO. 2009-017 ENTITLED AN ORDINANCE AMENDING THE REQUIRED SETBACKS IN ALL RESIDENTIAL ZONING DISTRICTS, EXCEPT THE R-MH DISTRICT (SECTIONS 3250.6; 3300.6; 3400.5; 3500.5; 3600.5; 3800.5; 3900.5; AND 4000.5); AND, ORDINANCE NO. 2009-018 ENTITLED AN ORDINANCE AMENDING THE REGULATIONS PERTAINING TO ALLOWED YARD SETBACK ENCROACHMENTS (SECTION 1100.5); AND, PROPOSED ORDINANCE NO. 2009-019 ENTITLED AN ORDINANCE ADDING REGULATIONS PERTAINING TO THE REMODELING, RENOVATION, AND IMPROVEMENTS TO EXISTING TWO-FAMILY, TOWNHOUSE, QUADRAMINIUM, OR MULTIPLE-FAMILY STRUCTURES (SECTION 1000.23)**

Commission member Kocon opened the public hearing at 7:12 p.m.

Assistant City Planner Fuhrman began by stating that in July a resident came before the Planning Commission asking if the City would consider amending the front yard setbacks for a development along 54<sup>th</sup> Street NE that ran from Barthel Industrial Drive NE to Main Avenue NE. The resident submitted a building permit application for an addition to the front of the house, which would encroach on the front yard setbacks. Staff is concerned and interested in offering the possibility of providing greater flexibility for building renovations or expansions in older neighborhoods of the community; while maintaining a continuity of design throughout neighborhoods. The following Appendix A (Zoning Ordinance) amendments are being proposed:

1. Front and side yard setback reductions for residential districts;
2. Entryway encroachments into setbacks; and
3. Townhome redevelopment standards

Fuhrman went over the two options relating to the Front and Side Yard Setback Reductions. Staff feels that relaxing the side lot line setbacks would also allow the property owners greater flexibility in remodeling. Amendment I.A. reduces the front yard setbacks in all residential districts (except R-MH) to 30-feet for all buildings. Reducing the front setback to 30-feet still allows room for two vehicles to be parked in a tandem style in the driveway and still remain approximately 10-feet from the street curb. This option reduces the interior side yard setbacks in all residential districts (except R-MH) to 10-feet for all buildings, except a 5 foot setback is permitted for an attached garage for single-family homes and twinhomes.

Fuhrman touched on the entryway encroachments, which staff realized that the language in Section 1100.5.A8 appears to have been written incorrectly. Staff is proposing the following language:

*On detached single-family or duplex dwelling homes constructed prior to January 1, 1989, add-on entryways constructed for energy conservations purposes may extend into the front yard setback not exceeding five (5) feet and fifty (50) square-feet.*

Amendment III dealt with Townhome Redevelopment Standards, which many of the twinhomes located in the older neighborhood(s) of Albertville were constructed in the 1970s and without a homeowners association being established governing the repair, maintenance, and upkeep of these homes. The Albertville City Code does not provide standards for the maintenance, upkeep, and reconstruction of existing attached townhomes; only new attached townhomes. Knowing that upkeep of each half of a twinhome is individually-based can cause disruption in the aesthetic quality of these buildings and neighborhoods. Staff is therefore recommending establishing standards for maintaining continuity in architectural design finishes, such as color, material choices, and design features for existing development.

Commission member Kocon asked if any Commission members had questions or concerns regarding the proposed ordinance amendments related to the required setbacks in all residential zoning districts, except the R-MH District (Sections 3250.6, 3300.6, 3400.5, 3500.5, 3600.5, 3800.5, 3900.5, and 4000.5); along with the regulations pertaining to allowed yard setback encroachments (Section 1100.5), and, adding regulations pertaining to the remodeling, renovation, and improvements to existing two-family, townhouse, quadraminium, or multiple-family structures (Section 1000.23) of the 2005 Albertville Municipal City Code.

Building Official Sutherland had a concern with the proposed language related to the front yard setback not exceeding five (5) feet and fifty (50) square feet.

Sutherland stated he would be okay with recommending a 30 foot front yard setback for single-family homes in the development and 25 foot front yard setback for the twinhomes.

Commission members wanted to avoid a staggered front yard setback design, yet that is almost what would be the best fit for the re-development of the neighborhood.

Commission member Kocon asked if there was anyone in the audience that wanted to share comments or concerns regarding the proposed ordinance amendments related to the required setbacks in all residential zoning districts, except the R-MH District (Sections 3250.6, 3300.6, 3400.5, 3500.5, 3600.5, 3800.5, 3900.5, and 4000.5); along with the regulations pertaining to allowed yard setback encroachments (Section 1100.5), and, adding regulations pertaining to the remodeling, renovation, and improvements to existing two-family, townhouse, quadraminium, or multiple-family structures (Section 1000.23) of the 2005 Albertville Municipal City Code..

Natalya Lindberg, member in the audience expressed her concern relating to the setbacks and encroachments. Ms. Lindberg agreed with the Building Official in amending the setback for twinhomes to 25-feet. Lindberg was interested in how the entryways constructed for energy conservation would be handled. Ms. Lindberg also brought up the fact that some of the homes have a higher than average entrance and how would the stairway fit into the front yard setback.

There was a considerable amount of discussion on the amount to set the front yard setback and whether it should include or exclude the potential of a deck or stairway landing.

After reviewing and discussing the Ordinance Amendment, the following motion was made:

**MOTION BY** Commission member Olson, seconded by Commission member Edgren to TABLE the Zoning Ordinance Amendments regarding Front Yard Setback Reductions in Residential Districts; yard Setback Encroachments; and Townhome Redevelopment Standards: proposed **Ordinance No. 2009-017** entitled an Ordinance Amending the Required Setbacks in all Residential Zoning Districts, except the R-MH District (Sections 3250.6; 3300.6; 3400.5; 3500.5; 3600.5; 3800.5; 3900.5; and 4000.5; and, Zoning Ordinance Amendments regarding Front Yard Setback Reductions in Residential Districts; yard Setback Encroachments; and Townhome Redevelopment Standards: proposed **Ordinance No. 2009-018** entitled an Ordinance Amending the Regulations Pertaining to Allowed Yard Setback Encroachments (Section 1100.5); and, Zoning Ordinance Amendments regarding Front Yard Setback Reductions in Residential Districts; yard Setback Encroachments; and Townhome Redevelopment Standards: proposed **Ordinance No. 2009-019** entitled an Ordinance Adding Regulations Pertaining to the Remodeling, Renovation, and Improvements to Existing Two-Family, Townhouse, Quadraminium, or Multiple-Family Structures (Section 1000.23), with staff incorporating the comments and concerns and bringing revised Ordinances back to the Tuesday, October 13, 2009 Planning and Zoning Commission meeting.

**ZONING ORDINANCE AMENDMENT REGARDING LAND FILLING AND GRADING/EXCAVATING:  
PROPOSED **ORDINANCE NO. 2009-020** ENTITLED AN ORDINANCE AMENDING SECTION 1800.1  
OF CHAPTER 1800 RELATING TO LAND FILLING OPERATIONS AND SECTION 1900.1 OF  
CHAPTER 1900 RELATING TO LAND EXCAVATION/GRADING**

Commission member Kocon opened the public hearing at 7:57 p.m.

Assistant City Planner Fuhrman stated this was basically a housekeeping item. Originally the ordinance was presented to the Planning and Zoning Commission in March 2006. When the ordinance was adopted the incorrect version was signed and codified into the 2005 Albertville Municipal City Code. Since the ordinance was adopted there have been minimal land filling or land excavating permits; therefore, it wasn't until recently that staff realized the error.

Commission member Kocon asked if any Commission members had questions or concerns regarding the proposed ordinance amendment, which relates to the fencing, screening, and landscaping section of 1000.7 of the 2005 Albertville Municipal City Code.

There were no comments from the Planning and Zoning Commission members except for 'let's clean it up'.

Commission member Kocon asked if there was anyone in the audience that wanted to share comments or concerns regarding the proposed ordinance amendment that related to the number of temporary signs that are allowed per year.

Ms. Lindberg had no comments regarding the ordinance amendment.

Commission member Kocon closed the public hearing at 8:00 p.m.

The Planning and Zoning Commission made the following motion:

**MOTION BY** Commission member Olson, seconded by Commission member Edgren to approve Zoning Ordinance Amendment regarding Land Filling and Grading/Excavating: proposed **Ordinance No. 2009-020** entitled an Ordinance Amending Section 1800.1 of Chapter 1800 Relating to Land Filling Operations and Section 1900.1 of Chapter 1900 Relating to Land Excavation/Grading **Option B**, with staff's recommendations, City Planner's report dated September 2, 2009 and; contingent upon City Council approval at the October 5, 2009 regular City Council meeting or a meeting soon thereafter, at which time the Ordinance Amendment will be presented for Council review and approval. Motion carried unanimously.

## **OTHER BUSINESS**

### **APPLICATION FOR PLANNING AND ZONING COMMISSION VACANCY**

Assistant City Planner Fuhrman reminded the Commission that Scott Dorenbush resigned from the Planning Commission at the last meeting. Staff has advertised to fill the vacancy, in which the City received one (1) application from Natalya Lindberg. Ms. Lindberg is present to answer any questions the members may have to ask her.

Commission member Kocon asked the two (2) members present if they had any questions for Ms. Lindberg. Kocon asked Council liaison Wagner if he had anything for Ms. Lindberg.

There were no additional questions or comments as the Commission members heard from Ms. Lindberg at the July 14, 2009 regular Planning and Zoning Commission meeting. The following recommendation was made to appoint Ms. Lindberg to fill the vacancy on the Planning and Zoning Commission.

**MOTION BY** Commission member Olson, seconded by Commission member Edgren to accept and recommend appointing Natalya Lindberg to fill the vacancy on the Planning and Zoning Commission contingent upon City Council approval at the October 5, 2009 regular City Council meeting or a meeting soon thereafter, at which time the member will be added to the Planning and Zoning Commission roster and Planning and Zoning Commission packets will be sent via the US Postal Service. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION BY** Commission member Edgren, seconded by Commission member Olson to adjourn the Wednesday, September 9, 2009 regular Planning and Zoning Commission meeting at 8:03 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk/Secretary