



## Watertown Planning Commission Minutes

Donald Hendricks  
Elizabeth Schulze  
Jennifer O'Connell  
James Rivord  
Jim Sandquist  
Jim Kasheimer  
Ali Parsons-Towle  
Dan Schuette-Council Liaison

7/20/2022 - Minutes

1. Call To Order & Roll Call:

Chairman Jim Kasheimer called the Watertown Planning Commission meeting to order at 5:30 p.m. on Wednesday, July 20, 2022. Commission Members present: Chairman Jim Kasheimer, Jim Sandquist, James Rivord, Don Hendricks and Councilman Dan Schuette, absent: Jennifer O'Connell, Ali Parsons Towle and Elizabeth Schulze; City Staff present: Planning Consultant Mark Kaltsas, City Administrator Jake Foster and Deputy Clerk-Treasurer Christine Dammann. Others present were community members: Steve Burns, Kelly Zwilling, Chris Zwilling, John & Susan Robinette, Carol & Ronald Zellmann, Larry Davis, Mike & Cindy Lynch, Dave & Patty Brown, Richard Schimmel, Sharon Noerenberg & Tom Griffith.

2. Adopt Agenda:

**HENDRICKS MOVED AND RIVORD SECONDED TO ADOPT THE AGENDA AS PRESENTED; MOTION CARRIED 4-0.**

3. New Business

3.A. June 23, 2022 Minutes

**HENDRICKS MOVED AND SANDQUIST SECONDED TO ADOPT THE MINUTES AS PRESENTED; MOTION CARRIED 4-0.**

### 3.B. 3B - PUD-GR Ordinance Amendment

As per Kaltsas' overview of the Ordinance Amendment, it was recently identified that the twin homes constructed within the Rosewood Estates Subdivision do not meet applicable side yard setbacks. The City had received several deck permits to construct decks on recently constructed twin homes. Upon a review of the proposed decks, it was noted that the existing twin home, and the majority of existing twin homes within the development, did not meet the requisite 5-foot side yard setback. This setback also applies to decks or any structure expansion.

The original plat shows all buildings to be compliant, but somewhere along the line building permits were submitted for larger buildings than what was proposed and the building official at the time let them be submitted and approved.

Staff is proposing a draft text amendment and is seeking Planning Commission direction relating to this issue. It should be noted that without an amendment of some sort, the City will have a difficult time administering this development and the homeowners will have a difficult time in the future should they want to make any structure related improvements.

Staff is seeking a recommendation from the Planning Commission relating to the proposed ordinance amendment with the redlined amendment shown in tonight's packet.

#### 3.B.i. Public Hearing:

**Chairman Kasheimer closed the regular meeting and opened the Public Hearing at 5:50 p.m..**

Steve Burns, Hollywood Township, spoke as the original owner of the development, feels that the City should take responsibility for the mishap, he does not feel like it is his fault and went through proper permit processing. Would like all buildings to be labeled legal. Burns also stated that he sold the property to Tom Griffith and wants him to be able to build the larger homes as well.

Tom Griffith; 100 Angel Avenue now owns the remaining development and wants a variance granted for all remaining properties to be built larger just as the Burns homes were.

**Chairman Kasheimer Closed the Public Hearing at 5:52 p.m..**

Discussion took place among Commission Members. Rivord wanted it noted that no one is blaming anyone, it is what it is and no one is going to make anyone move pre-existing homes to meet set-backs. However, going forward he believes anything not already built should adhere to set-backs. Rivord questioned Kaltsas if we could retro-act an ordinance that any built home in this development would be grandfathered in but anything going forward would have to be compliant. Kaltsas advised that we could indeed do that if that is what the Planning Commission set forth.

Hendricks felt that we needed to fix the issue and did not want this to bleed into any other developments, but after further discussion, felt that the homes that are remaining should be allowed to build with the zero foot set-back.

**RIVORD MOVED A MOTION TO RECOMMEND TO THE CITY COUNCIL THAT ALL LOTS PLATTED IN THE PUD-GR SUBZONE PRIOR TO DECEMBER 31, 2021 WOULD ALL BE LEGAL WITH THE ZERO FOOT SET-BACK AS LONG AS THE NEW BUILDINGS ARE AT LEAST 10**

**FEET APART. HENDRICKS SECONDED THE MOTION; MOTION CARRIED 4-0.**

This item will be presented to Council at the July 26, 2022 Council Meeting.

3.C. 3 C - 101 Hope Variance

Kaltsas advised that Kelly Zwilling, soon to be Owner of 101 Hope Avenue NE, requested that the City consider a variance – to allow a four-foot-high fence in the front and corner yards of the subject property. The proposed fence would be replacing an existing fence. The proposed front yard fence exceeds the height limits for fences in the front yard as established by City Code § 62479(a)(5)(b). The subject property is located along the north side of Territorial Street E and west side of Hope Ave NE.

The Planning Commission is asked to make a recommendation to the City Council relating to the requested variances. Should the Planning Commission make a positive recommendation, the following findings and conditions should be included:

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter 62, Division 6, Variances, in the City of Watertown Zoning Ordinance.
2. The variance would approve a 6-inch variance to allow a 4-foot-tall ornamental metal fence to be located within the side street yard of the subject property.
3. The Applicant shall obtain the requisite fence permit from the City prior to making any further modifications to any fencing on the property.
4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
5. Any future improvements made to the fencing on this property will need to be in compliance with all applicable standards relating to the R-2 Medium Density Residential zoning district

3.C.i. Public Hearing:

**Chairman Kasheimer closed the regular meeting and opened the Public Hearing at 6:17 p.m..**

Chris Zwilling came forth stating that they will close on the property on August 8, 2022 and wants to match the existing black fencing in the area. No other members of the public came forth.

**Chairman Kasheimer Closed the Public Hearing at 6:22 p.m..**

Discussion took place among Commission Members.

**HENDRICKS MOVED A MOTION TO RECOMMEND TO THE CITY COUNCIL TO APPROVE THE**

**FENCE VARIANCE WITH ALL RECOMMENDATIONS SET FORTH IN TONIGHT'S PACKET;  
SANDQUIST SECONDED THE MOTION; MOTION CARRIED 4-0.**

This item will be presented to Council at the July 26, 2022 Council Meeting.

4. Staff Updates:

There were no major updates by staff.

5. Adjournment:

There being no further business;

**RIVORD MOVED AND HENDRICKS SECONDED A MOTION TO ADJOURN; MOTION CARRIED 4-0.**

The Planning Commission meeting was adjourned at 6:46 p.m..

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Chairman; Jim Kasheimer

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City Administrator; Jake Foster

The Planning Commission is scheduled to meet again on Thursday, August 25, 2022.

**309 Lewis Avenue South; P.O. Box 279, Watertown, MN 55388**