

APPROVED  
Minnetonka Beach Planning Commission Meeting Minutes  
January 22, 2024 – 7 pm

1. Call to Order

Chair Breazeale called the meeting to order at 7:00 pm.

2. Roll Call

Present: Commissioners Blodgett, Breazeale, Finnegan, Steinfeld, Swanson, Whitely, Wortman and Council Liaison Halverson. Absent: none

Staff in attendance: City Administrator Heidi Honey, Zoning Administrator Phil Carlson

3. Approve Agenda

**(Steinfeld motion, Whitely second to approve the agenda; all ayes.)** Motion passed.

4. Approve Minutes - Regular Meeting of December 18, 2023

Swanson noted a typo in spelling “police” under reports. She stated she will not be at the April 26 mtg.

**(Whitely motion, Wortman second to approve the Regular Meeting Minutes of December 18, 2023 as amended; Aye – Blodgett, Breazeale, Wortman, Finnegan, Whitely; abstain Steinfeld and Swanson.)** Motion passed.

5. Zoning Code Amendments

5.1. Move Shoreland to Main Sections of Code (part 2) and Compliance Review

Breazeale stated code was previously reorganized and at the last meeting they moved Shoreland into the common code. These changes will be at a public hearing at the February Planning meeting. At this meeting, they will compare zoning code to the DNR Model Ordinance (MO) to compare compliance between the two codes. The Work Group has previously reviewed all of the proposed changes and recommended them. Breazeale reviewed the codes side by side. In the DNR Model Ordinance, the green highlights are items already approved previously. Yellow highlights are language in the DNR code but not city zoning code, and were copied and pasted into the zoning code and highlighted green. If something in the DNR MO is not shaded, it does not apply to the city as was ignored. Highlights of Breazeale’s review are listed below.

2.4 DNR MO - Added to zoning code as 1.15.

Definitions –

2.513 - Bluff and bluff related definitions were replaced with DNR definition as they were clearer and include diagram.

2.518 DNR Buffer refers to optional language that the city does not issue permits (rip rap).

2.516 DNR – Bluff, Top of – Replaced city definition with this clearer definition.

2.520 DNR Controlled Access Lot - this does not apply to the city and not added to city code.

2.557 DNR Steep Slope – Replaced city definition with this clearer definition.

2.542 DNR Non-conformity. Added “or” to include references to Non-conforming and Non-conformity.

2.543 DNR The work group thought it was useful to include references to elevations and included link to LMCD website to find this information.

Regional Flood Protection Area - added link of where to find this information.

3.0. Administration

3.1. DNR Purpose language added to city 3.1.

3.2.2. DNR Certificate of Compliance. The city zoning administrator issues a letter in place of the certificate so the language was proposed as “certificate or letter of compliance”.

3.5.1. DNR Language variances should not circumvent the general purposes and intent of this ordinance added to city code 3.4.3(A).

3.6. DNR Conditional Use Permit language was added to zoning code as 3.4.4.D.

3.7. DNR Mitigation language added as 3.3.13 to zoning code but discussed by commissioners. Carlson did not want criteria for variances in two separate places for ease of use. Variance criteria comes from state statute and other permits or issues have different criteria. Commissioners decided to reference the mitigation language section within each appropriate section.

3.10. DNR Mandatory Environment Assessment Worksheet language replace zoning language in 3.3.14.

4. DNR Shoreland

4.2.1. DNR Land Use purpose language added to zoning ordinance as 5.1.

4.23 DNR TABLE Land Uses – there was discussion about the DNR’s table that assigns general development standards to parks and historic sites. Commissioners did not wish to change the city’s zoning table to align

5.0 DNR Special Land Provisions

5.1. DNR Commercial, Industrial, Public and Semipublic Use Standards. These standards do not apply to the city and decided to not include in zoning code.

6.0. DNR Performance Standards

6.1. DNR Performance Standards Purpose language added to city code 6.1.

6.3.3. DNR language on controlled access lots which are part of a subdivision.

6.3.4. DNR language prohibiting easements to access docking and mooring facilities added.

9. DNR Subdivision and Platting. This is in Section 202 of city code and not in zoning code. Let DNR the location of this section of code when they review the amendments.

6.4.1.D. DNR code on additional structural setbacks from top of bluff, county highway or public street. Decided to stay with current setbacks and let DNR know there are properties in city that are within 50 ft of a highway or 20 ft of a public streets. Carlson to research if there are any homes on bluffs in the City.

6.43. DNR lowest floor elevation language inserted to section 6.2.9. Approved proposed language.

7.0. Performance Standards for Public and Private Facilities

7.24 DNR Stairways, lifts and landings – added this language to city code 6.2.7(C)(4) regarding construction requirements.

7.4.3. DNR Access Ramps - City code 6.2.13. had language that implied that watercraft access ramps are allowed but they are not allowed in the city. It was changed to state they are not allowed. It was an error.

8.0. DNR Vegetation and Land Alterations

8.23. DNR language in 8.1 of city code. Current zoning code allows vegetation removal for 100 sq ft and DNR does not allow any intensive vegetation clearing (complete removal of trees or shrubs) in shore or bluff impact zone. Commissioners approved matching the DNR language and prohibit intensive vegetation clearing on shore and bluff impact zones and on steep slopes.

8.26 DNR language regarding minimizing runoff added to city 8.2.1(C).

8.32(B)(1) DNR Grading and filling requires a permit if more than 10 cubic yards are moved on steep slope or bluff impact zone, city does not allow any so kept code as is.

8.32(B)(2) DNR Grading and filling requires a permit for movement of more than 50 cubic yards of material outside of steep slopes and shore and impact zone. This is city practice but chose to state it in 8.1.3.

8.1.14. Zoning Code inserted language to refer applicants to DNR and LMCD for rip rap projects.

8.33. DNR Grading - added language to city code to grading section for clarification.

8.1.3(A). Topographic alterations, grading and filling. Added DNR language to code for greater detail as items #8 through #13.

8.4. DNR Stormwater Management language was added to city code 8.2.1. to split out stormwater management. Moved city’s 30% hardcover limit to top of section to find it easier. There was discussion to include outfall language in city code.

9. DNR Subdivision – Refer DNR to City Code Section 202 for subdivision requirements. (not zoning code)

9.4. City code states that PUDs may be amended from time to time and the zoning administrator may approve minor changes. Commissioners wanted to have this follow the same process as all other reviews and remove this authority. Remove “administrative amendment” from zoning code 9.4.

**(Whitely motion, Steinfeld second to recommend city council approve submission of this code with edits as presented and modified at this meeting on January 22, 2024 to the DNR for conditional approval and to hold a public hearing; all ayes.)** Motion passed.

6. Reports

Halverson reported on the council meeting activities. Breazeale introduced Scott Gamble who will be helping with the work group. He is interested in serving on the Planning Commission and is volunteering at this point to learn more about Planning and help.

7. Adjournment

**(Steinfeld motion, Swanson second to adjourn; all ayes.)**. Motion passed.

Chair Breazeale adjourned the meeting at 9:00 p.m.

PUBLIC IN ATTENDANCE –

Minutes respectfully submitted by City Administrator Heidi Honey

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Heidi Honey, City Administrator