

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
June 24, 2024 – 7 pm

1. Call to Order

Chair Breazeale called the meeting to order at 7:02 pm.

2. Roll Call

Present: Commissioners Blodgett, Breazeale, Finnegan, Swanson, Whitely, Wortman and Council Liaison Halverson Special Volunteer Gamble

Absent: Vice Chair Steinfeld

Staff in attendance: City Administrator Honey

3. Approve Agenda

(Swanson motion, Blodgett second to approve the June 24,2024 meeting agenda; all ayes.) Motion passed.

4. Approve Minutes - Regular Meeting of May 20, 2024

Swanson noted two clerical errors

(Swanson motion, Finnegan second to approve the Regular Meeting Minutes of May 20, 2024 as amended; Aye – Blodgett, Breazeale, Finnegan, Swanson, Wortman. Abstain - Whitely.) Motion passed.

5. Public Hearings

5.1. Conditional Use Permit (CUP) Amendment – Lafayette Club Cart Path Relocation

Carlson stated the Lafayette Club is requesting an amendment to their existing CUP to allow for the realignment of an existing cart path near the green for hole #7. The path alignment is requested to resolve a current path encroachment on the adjacent property at 2669 Woodbridge Rd. The current path alignment encroachment into the 2669 Woodbridge parcel is partially due to the unusual shape and access – it does not have direct access to a public street but has an easement to Woodbridge Road. It is unknown why the cart path crossed the property as it currently does and the Club is requesting to correct that and keep the path off the lot. Based on the CUP criteria in the packet, He recommended that the Planning Commission recommend approval of the amendment to the CUP for the Lafayette Club realignment on its eastern boundary near the 7th hole fairway.

Chair Breazeale opened the Public Hearing at 7:08pm.

Josh Bowe - Three Rivers Park District, Senior Manager of Engineering – Bowe addressed questions and concerns about a steep grade from the path to the trail. He thinks they can reinforce the existing grade without needing to raise the retaining wall and they will add any additional railing if conditions warrant it. Bowe explained different solutions are used depending on the actual grade. They are proposing to do the work in the fall. The area will be vegetative, non-mowed as it is now.

Chair Breazeale closed the Public Hearing at 7:14pm.

(Swanson motion, Whitely second to recommend approval as put forth using Conditions of Approval 1 through 3 and Findings of Fact 1 through 12 as provided in the packet with the additional condition that attention be paid to safety concerns due to grading and proximity to the trail;

Conditions of Approval:

- 1) The area where the trail is removed from the adjacent property is returned to a natural vegetative state.
- 2) The fence and railing lining the cart path will be replaced with identical or similar material.
- 3) If the cart path alignment is changed in any significant way from the exhibit provided by the applicant, the changes need to be reviewed and approved as an amendment to the Conditional Use Permit.

Findings of Fact:

- 1) The Lafayette Club ("Club") operates a golf course and country club at 2800 Northview Road in Minnetonka Beach.
- 2) The Club operates under a Conditional Use Permit (CUP) originally approved in 1989 and amended at various times since.
- 3) A portion of an existing cart path near the 7th hole that is installed and maintained by the Club currently encroaches on the adjacent property at 2669 Woodbridge Road. The Club has requested a CUP amendment to relocate the path entirely off of that adjacent property.
- 4) The purpose of CUP standards is in Section 3.4.4.A, to "establish reasonable conditions necessary to ensure compatibility between the proposed use and surrounding properties". Criteria for reviewing conditional uses are in Section 3.4.4.D of the Zoning Code.
- 5) All requirements and standards for a CUP amendment as outlined in Section 3.4.4(J) of the Zoning Code have been met and followed.
- 6) Outside of the standards for CUP amendments, there are no other specific zoning criteria applicable to this request or other ordinances relating to on-site privately owned and maintained pathways. The path is not subject to permitting or inspection.
- 7) The conditional use will not be detrimental to the health, safety, morals, or welfare of persons residing or working near the use.
- 8) The conditional use will not impede the normal and orderly development of surrounding property for permitted uses predominant in the area and will lessen current development constraints for the adjacent property.
- 9) The conditional use will not pose an undue burden on public utilities or roads, and adequate sanitary facilities are provided and is expected to improve safety conditions for crossing over future driveway.
- 10) The conditional use will continue to provide adequate parking and loading spaces, and all storage on the site can be done in conformance with City code requirements;
- 11) The conditional use will not result in any nuisance including but not limited to odor, noise, or sight pollution;
- 12) The conditional use will not unnecessarily impact natural features such as woodlands, wetlands, and shorelines; and all erosion will be properly controlled; all ayes.) Motion passed.

5.2. Variance Request – 3012 Shoreline Drive, Accessory Dwelling Unit (ADU)

Carlson stated the home at 3012 Shoreline Drive, known as the Thompson Summer Cottage, was built in 1887 and is the only structure in Minnetonka Beach listed on the National Register of Historic Places. The house is not lived in year-round. The owner would like to live on the property, but upgrading the existing structure would be invasive and costly. Additionally, adding an ADU within or attached to the house would compromise its historic character. The owner is requesting variances to allow a detached ADU. Carlson stated the code was recently amended to not allow detached AUDs for compliance with an agreement with the DNR. He reviewed zoning code provisions Section 5.5.4(A)(5) – No detached accessory dwelling units are permitted. The variance is to allow a detached ADU, a locational standard, not a separate use. He also reviewed Section 5.5.4 standards for ADUs which state if the entrance to the ADU is not the same as the entrance to the principal unit, the riparian lot must be a minimum of 26,000 sq ft and 135 ft wide. The lot at 3012 Shoreline meets the lot standard in area (30,000 sq ft) but varies in lot width between 80 – 106 ft so it does not meet the width standard.

Carlson reviewed the proposed project as 1,120 sq ft one story home with a 558 sq ft attached garage. The design would complement the existing house. Hardcover is proposed at 24.8%, which is an increase from the existing 21.1% but under 30%.

Carlson noted excerpts from the 2040 Minnetonka Beach Comprehensive Plan dealing with historic structures generally and the Thompson Summer Cottage specifically. He stated Policy 9.1: to work with the owner to protect the historic character of buildings in Minnetonka Beach that reflect the city's history and preserve the traditional small-town lake values. Policy 9.2: to encourage an owner to reclaim, preserve and enhance historically significant sites and structures within the city, such as the Thompson Summer Cottage and other historically designated sites. Additionally, Carlson referred to Standards for Rehabilitation from the Secretary of the Interior which protect the integrity of the existing historic property. He added these standards support the idea of not altering the house itself to add or remodel for an internal ADU. He then referred to Comp Plan Policy 9.3: to integrate its historic preservation activities with other municipal activities such as sustaining a sense of community and relaxing zoning and building codes on historic buildings. Carlson stated that a relaxation of zoning code (variance) is appropriate in this instance where efforts should be made to not compromise the historic property.

Carlson went on to review the variance criteria in the packet. The basic use proposed is reasonable, the practical difficulty is the existing house is not habitable year-round, the house is historic and not appropriate for remodeling, and because the house is not lived in, the proposed ADU will basically be the only inhabited dwelling on the property. Carlson recommended that the Planning Commission recommend approval of the variances with the Conditions of Approval and Findings of Fact.

Chair Breazeale opened the public hearing at 7:21 pm

Wendy Williamson – Owner of 3012 Shoreline Drive, currently living in Minnetrista. Williamson stated she would like to live on the property, take care of it, and ensure its security. She loves the community and wants to be part of it. The proposed home is not large.

Harold Worrell– Laketown Builders. Worrell stated Williamson's great grandfather had the home built on the property in 1887. He explained that opening the walls to insulate would be a massive undertaking. The walls are strips of batten attached to box car rail from the railroad. They are trying to restore the property and give Ms. Williamson a place to live.

Chair Breazeale closed public hearing at 7:24 pm

Breazeale stated it is great to have a historic home in the community. His fear is a different owner in the future wanting to replace the existing home and then there would be two dwellings on the property. He asked if they could attach a condition that the historic building be maintained but if the circumstances change, there could not be two dwellings. Carlson suggested an Interim Use Permit (instead of a variance) with the condition that as long as the building stands, the new home is the official dwelling, and the historic home is not to be used as a lived in dwelling and it cannot be renovated into a dwelling. Wortman stated the existing dwelling has kitchen, bathroom, and bedrooms and there is an agreement with the DNR to not allow detached ADUs. Honey sent emails to the DNR regarding the variance application but has not received any response. Swanson wanted to know why it is not feasible to insulate the home as her home is over 100 years old, a former summer home and is insulated. Williamson stated the walls are only one inch thick, and there are regulations about making changes to the structure. There is no basement or foundation. Worrell stated the structure is battens laid on a piece of boxcar wood. They can't get R Value with spray in foam of R7, and it would need R19. Battens are exposed on the interior of the home, and the

box car on the exterior of the home. To meet current code, they would need 2"x6" walls which would significantly change the interior of the home. Swanson expressed concerns about negating the commitment made to the DNR. She stated Carlson's report that this ADU is the primary dwelling is not accurate. She added that the choice to be on the historic register was made by the applicant and numerous homes in Minnetonka Beach are historic and are fine not being on the Register. Blodgett asked what would prevent someone from adding height to the ADU to add value with lake views. Carlson stated conditions could be made to not increase the size of the home.

Breazeale stated he thinks the home being on the Historic Register is valuable and referred to the Comp Plan excerpts. Wortman stated the homeowner has the following options: leave as is and use in the summer, find a way to make it year-round, or allow the ADU. She asked if this is an instance the City compromises on what it agreed with the DNR. Breazeale stated they need to do what is in the best interest of the City. Carlson stated the DNR wanted to limit impact on the lake environment with two dwellings on every property, and this will be one dwelling with an unused/unlivable structure. Finnegan stated it is a dwelling even though it is not used as one. There was discussion about if the home would go off the Register if there was an addition. Finnegan reviewed code section 3.4.3.(D)(2)(d) and Carlson explained that the use is allowed (ADU) in certain locations but the location (detached) is what the variance is for. Commissioners reviewed variance criteria. Economic considerations cannot create a practical difficulty. They discussed the uniqueness of the property. Breazeale stated the foundation may not support what would need to be done to insulate the property. Whitely asked if they considered attaching the ADU, but Worrell stated they considered it and the home is sitting on pilings of blocks. An old cellar is sitting on grade. There is no basement. There are too many unknowns. Williamson stated she thinks Registration on the Historical Register can be removed but it is not simple. It has been on since 1997. Blodgett asked about a local show, "Hometime". Williamson stated they replaced the porch. She added that she replaced the side porch, dug out the kitchen floor, and her contractor installed footings with metal and welded it to a metal I-beam system that the house sits on to stabilize it. Whitely liked the idea of an interim use permit to permit this detached ADU so long as the original home remains on the National Historic Registry. It would prevent them from tearing down the current structure and rebuilding. Breazeale discussed preserving it as is, but he is not in favor of there being two homes. They discussed requiring the ADU to be attached to come into compliance if the historic home were made livable. Enforcement would be through building permit processes and an interim use permit or variance would be filed with the county and attached to the title of the property so future owners would know the restrictions.

Whitely motion, Brezeale second to recommend approval of the ADU as an interim use on the condition that the historic home maintains its current character as a historic seasonal dwelling and that it remains on the Historic Register. Any future building permit for other than routine maintenance requires the property to come into compliance with then current zoning code regulations.

Commissioners discussed this means anything other than maintaining it as a seasonal dwelling would require the property to come into compliance with the code. If the code continues to not allow detached ADUs in the future, it will need to be attached or removed. Swanson stated they are trying hard to rationalize this and is not in favor of it. Finnegan stated they applied for a variance, and this is now an interim use permit. Carlson will check with the city attorney to determine if they can modify this variance application to an interim use permit application and move it forward to council or if they need to re-apply. Staff will make sure they follow the correct process.

Whitley stated the hope is the family decided to live there for the next 150 years. A future developer would need to start from square one to build something on the property. Wortman aligns with wanting to maintain the historic home. She is opposed to detached ADUs but this seems like a reasonable request.

Finnegan recommend denying the variance request. Whitely accepted an amendment to the motion to start with “deny the variance as requested because of concerns of potential future use of the variance to construct two year round dwellings on the lot”, followed by the motion he made, and adding “The above motion is subject to review by the city attorney to determine if the variance request can be converted to an interim use request without the need for a refiled application.” to the end of the motion.

(Whitely motion, Breazeale second to deny the variance as requested because of concerns of potential future use of the variance to construct two year-round dwellings on the lot, and to recommend approval of the ADU as an interim use on the condition that the historic home maintains its current character as a historic seasonal dwelling and that it remains on the Historic Register. Any future building permit for other than routine maintenance requires the property to come into compliance with then current zoning code regulations. The above motion is subject to review by the city attorney to determine if the variance request can be converted to an interim use request without the need for a re-filed application; Ayes – Blodgett, Breazeale, Finnegan, Whitely, Wortman. Nay – Swanson.) Motion passed.

5.3. 2025 – 2034 Capital Improvement Program (CIP)

Honey stated the Planning Commission oversees the CIP process and they are to review requests to make sure they are aligned with the Comprehensive Plan and vision for the city. Honey reviewed the draft 2025 – 2034 Capital Improvement Program noting the additions from the previously approved 2024 – 2033 CIP were an increase in road repairs from \$75,000 to \$100,000 annually, increase in hydrant replacement costs from \$17,000 to \$20,000 and the addition of lift station work spread out over 2025 – 2027. The threshold for requests increased from \$3,000 to \$5,000. The city tries to keep the CIP at \$150,000 annually but with the substantial inflation of costs, it is difficult to do so. The public works truck and road repair is \$200,000. After tonight’s meeting, the CIP will be reviewed by the Mayor and Treasurer, and then approved by Council with the budget in September. Honey explained most CIP requests are general fund and paid by tax levy. Water related items are paid mostly by water revenues. It is preferred that the new sewer items be paid by sewer revenue. City Council and the Finance Committee determine how to pay for these items.

Chair Breazeale opened the public hearing at 8:14pm and, with no comments, he closed it at 8:14pm.

(Whitely motion, Swanson second to recommend council approve the 2025 – 2034 Capital Improvement Program as presented; all ayes.) Motion passed.

The commissioners then asked that Council be made aware that they support maintaining narrow streets instead of widening any because it fits the character of the City and narrow streets also keep the flow of traffic slow. Honey explained that many streets used to be wider but, without curbs, the edges break off and over time the street narrows. They did not support widening streets with future projects. The Comp Plan also discussed narrow tree lined streets. They also supported installing speed bumps.

6. Old Business

6.1. Tree Protection Ordinance Review Update

Honey stated that the city received input from 52 residents on the current ordinance. This is a large response. The intention was for a work group to use the input to draft a survey for Planning to review and approve. From survey results, they may wish to get additional input or draft amendments to the ordinance. It would then follow the zoning code amendment process. Some people providing input have asked that the full Planning Commission receive the input in full when they review the survey, so they are able to see all of the comments, not just the work group summary. The work group will consist of Breazeale, Wortman, Whitely, and Gamble. Swanson will review the draft survey. The first meeting will be 5:30pm on Monday July 29th.

7. Zoning Code Amendments

7.1. Wetland District Update

Breazeale stated the work group met tonight and will do some additional code revision. They will meet again in July, and they hope to have a draft document for Planning review in August.

8. Reports

8.1. Chair Report – no report

8.2. Commissioner Reports

Whitely stated FEMA and DNR approved the Floodplain ordinance amendments.

8.3. Council Liaison – Halverson reviewed actions of June 10 city council meeting. Council awarded the water treatment plant bid. She stated it is expensive but clean water is necessary. Commissioners asked about the PFAS test results. Honey stated it depends on the specific PFAS chemical but one of the compounds the MDH is most concerned about has tested around 2.6/2.7ppt and the MDH guideline is .0078ppt. The EPA standard is 4.0.

8.4. Building Permit Report – received and filed

9. Adjournment

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

Chair Breazeale adjourned the meeting at 8:39p.m.

PUBLIC IN ATTENDANCE – Patty Rezabek, Wendy Williamson, Harold Worrell, Josh Bowe

Minutes respectfully submitted by City Administrator Heidi Honey

Heidi Honey, City Administrator