

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
June 28, 2021

1. Call to Order

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

2. Roll Call

Present: Chair Haag, Vice Chair Moriarty (late), Commissioners Anderson, Halverson, Naylor, Swanson and Council Liaison Enlow. Absent: Commissioner Breazeale
Staff in attendance: Heidi Honey, City Administrator and Phil Carlson, Zoning Administrator

3. Approve Agenda

(Halverson motion, Swanson second to approve the agenda. Ayes: Anderson, Halverson, Moriarty, Naylor, Swanson; Nays: none). Motion passed.

4. Approve Minutes: May 24, 2021

(Anderson motion, Halverson second to approve the minutes of the regular Planning Commission meeting of May 28, 2021. Ayes: Anderson, Halverson, Moriarty, Naylor, Swanson; Nays: none). Motion passed.

5. PUBLIC HEARING

5.1. Variance Request – Rear Yard Setback – 2663 Woodbridge Rd Road (Paine)

Zoning Administrator Phil Carlson stated the variance request is to build a studio/work space off the rear of the garage. He reviewed the conditions for granting a variance and options to build the addition and meet setbacks without a variance. He stated there is not a sufficient practical difficulty and it does not meet the variance criteria. Swanson agreed with Carlson stating there are other reasonable options. Carlson had not reviewed these options with the applicant. Anderson discussed that the property to the rear may be sold and that neighbor may not want this encroachment. Naylor agreed that there are options and he does not see sufficient practical difficulties and added the new neighbor may not like this. Commissioners discussed adding a second story to the garage.

Chair Haag opened the public hearing at 7:15 pm.

Lindsay Paine – 2663 Woodbridge Rd - Paine stated their goal was to minimally disrupt what the current home is from the street, sides and back and to preserve the architecture. He went on to explain this proposal is the least disruptive for sightlines, visual impact and the architectural integrity of the home.

Bill Whitely – 2657 Woodbridge Rd. - Whitely stated the design is thoughtful and fits the character of the house and property. He asked if the setback is mitigated by the existing shed. He added that anyone who purchases the property to the rear would have to work around the existing shed.

Carlson explained that the shed would not interrupt the view of the rear property owner. Paine added that the addition in the proposed location would not affect views.

Lee Meyer – Architect for the Paines – Meyer stated the addition was designed to not add additional length to the house. The proposed addition extends the existing gable of the garage to provide minimal visual impact at the rear elevation.

Chair Haag closed the public hearing at 7:28 pm.

Swanson stated it is not relevant to discuss what a future owner of the vacant lot would or would not support. She added that the non-conforming shed in the setback has no bearing on this addition also

being placed in the setback. Moriarty stated they did a great job in trying to maintain the integrity of the current property but there are other options.

(Swanson motion, Naylor second that the Planning Commission recommends that the City Council deny the request for a variance to the Rear Yard Setback for a studio addition at 2663 Woodbridge Rd with the Findings of Fact in the Planner's report:

Findings of Fact for Denial:

- 1) **The proposed use as additional studio workspace in the home is reasonable but there are reasonable alternatives that would meet the code.**
- 2) **The layout of the existing home and lot are similar to other properties in the City and are not unique to this property.**
- 3) **There is adequate space on the lot to add either a narrower addition to the south or a larger addition to the east that would meet the required setbacks, in addition to other possible alternatives. There is no practical difficulty to meeting the code.**
- 4) **The request meets the criteria for granting a variance in section 2.4(C)(4) of the Zoning Code.**

Ayes: Anderson, Halverson, Moriarty, Naylor, Swanson; Nays: Haag). Motion passed.

Mr. Paine asked to have the materials presented by Carlson sent to him.

5.2. 2022 – 2031 Capital Improvement Program

Anderson stated the Capital Improvement Program Review Committee met. She reviewed items that were discussed at the meeting and are in the packet.

- Item 2 - City staff asked to keep this as a placeholder to replace flooring or other projects.
- Item 12 - Repair front steps at City Hall. The steps are broken, cracked and need to be replaced for safety.
- Item 15 - Welcome Sign in Lafayette Park – The sign is completely deteriorated and patched together to keep it up. It needs to be replaced.
- Item 16 - Road Repairs – The amount of \$55,000 per year is the result of Stantec's paving management study. The program is for maintaining the streets but there may be work as part of a bond in the future. The \$55,000 is just repair and not replacement. Moriarty discussed spending this on repairs but replacement may be needed in the future. He discussed the return on that investment.
- Item 18 - Brooks Lane Stormwater repair – This request was removed because it would be part of a larger water main bond project.
- Item 20 - Wood chipper – Wood chippers last approximately 10 years. At the Review Committee meeting there was discussion about getting a smaller chipper and relying on vendors if there is a storm. There was support for relying on Hilgers for this work and not getting a smaller chipper but he was going to get quotes also.
- Item 25 - Water Plant Improvements – The Review Committee reduced this to \$75,000 for minor repairs which are to remove Styrofoam insulation from walls that can create gas and start a fire, Dept of Health items, and replace a pump.
- Item 32. -Water Testing Equipment - Public Works is currently borrowing this testing equipment from another city.
- Items 41. and 42. - Lift Station Pumps at Lake and Woodbridge – These items were moved into 2021 to be paid with America Rescue Plan Act funds that the city will receive this year.

Commissioners discussed Item #5, Phase II of the gravel path through Lafayette Park. Anderson said the Review Committee removed this item because it was of concern that people would drive motorized vehicles on it and it is in violation of the Comprehensive Plan in its task to protect green space. Planning Commissioners stated Phase II was part of the original plan, there was a lot of input at the time, and that it was required by Hennepin County. Commissioners requested that the gravel be finer than the current gravel on the short path. There was discussion about Phase II either going

to Hill Road or to Woodbridge Road and they recommended to go to the location that was previously approved.

(Moriarty motion, Naylor second to reinstate Item #5 from the CIP spreadsheet – Gravel to complete Phase II of the Access Path from the raised median crossing to Hill Rd or Woodbridge (whatever the original plan showed) which was part of the original plan that the commission was in support of for \$16,000; and with the recommendation that it is consistent with the finer gravel that will be installed at the existing small path. Ayes: Anderson, Halverson, Moriarty, Naylor, and Haag; Nays: Swanson). Motion passed.

Chair Haag opened the public hearing at 8:05 pm. NO COMMENTS. Haag closed the public hearing at 8:06 pm.

Moriarty motion, Anderson second to affirm to 2022 – 2031 Capital Improvement Program as confirming to the Comprehensive Plan and recommend approval to the City Council as amended by the previous motion. Ayes: Anderson, Halverson, Moriarty, Naylor, Swanson and Haag; Nays: none). Motion passed.

6. Old Business

6.1. Variance Request Lake Shore Setback for Accessory Dwelling Unit – 2508 Arcola Lane (Hedeem)

Carlson stated that the Hedeem's have withdrawn their application requesting setback variances to build an accessory dwelling unit. He went on to discuss the relationship between city code and DNR rules which were not understood at the previous meeting. Carlson reviewed his memo in the packet which describes DNR regulations and the city's zoning code for accessory dwelling units (ADUs). In 1992, the city first adopted a shoreland ordinance and it was reviewed and agreed to by the DNR in 1996. He concluded that the city did not intend to permit 'guest cottages' in 1992 and future updates to the zoning code which defined and regulated ADUs were never reviewed or approved by the DNR. Based on this, Carlson could not recommend approval of their request and suggested the Planning Commission and Council review Shoreland Ordinance provisions related to ADUs that are out of step with the DNR rules, their model ordinance, and the city's intent at the time. He then discussed placing a moratorium on ADU applications to study the issue and change the ordinance if needed. Carlson added that the city has the authority to adopt and enforce their own zoning ordinances.

Enlow explained that when there is a change in code, the DNR is supposed to review and approve it within 30 days. In 1992 when DNR rules were adopted, the city wanted to deviate from their rules (hardcover at 30% instead of 25% due to 1-acre minimum lot size and the large green space of the Lafayette Club; and maximum building heights). In exchange for that, the city said they would not allow guest cottages. The DNR was surprised to learn that the city had allowed ADUs/guest cottages. Zoning code updates since 1996 were not submitted to the DNR for approval. Enlow suggested volunteers review the DNR model ordinance and compare it with the city's ordinances to determine where they differ and determine what they want to change in the code or ask the DNR for as exceptions. If the city asks for any exceptions, the DNR will ask for something in return.

Halverson discussed making sure the Comprehensive Plan is in line with the ordinances because it refers to affordable housing requirements by the Met Council. Enlow stated they could allow ADUs as permitted by the DNR. Mathews stated during the 2008 Comp Plan update, the Met Council pushed communities to increase density. Minnetonka Beach is fully developed and must comply with DNR rules. She went on to say that the DNR is only concerned about runoff and impact to the lake. There were attempts by the city to restrict ADUs to one-acre properties. Carlson recommended they identify differences between city code and DNR regulations and from that they can decide what they want to do about it. He also recommended a moratorium on ADUs or other issues that are not in line with the DNR Rules and Model Ordinance.

(Swanson motion, Naylor second that the Planning Commission recommend to the City Council that a task force be formed to implement a comparison of city ordinances to the DNR model ordinances to determine where they differ and to make recommendations for possible changes and, that while that task force is being implemented, that a moratorium be placed on all variance

requests for ADUs. Ayes: Anderson, Halverson, Moriarty, Naylor, Swanson, and Haag; Nays: none). Motion passed.

Enlow asked Carlson to provide City Council with a proposal to do this work in the event there are no volunteers for this task force.

Anderson brought up the Park Commission meeting minutes in the packet where the Park Commission discussed removing the gravel path from the CIP.

Enlow stated that ADUs only go to Planning if there is a variance request otherwise they are allowed by the City's Zoning Code.

Swanson motion, Naylor second to amend her previous motion to include any requests for ADUs or any variances for ADUs. Ayes: Anderson, Halverson, Moriarty, Naylor, Swanson, and Haag; Nays: none). Motion passed.

7. Reports

- 7.1. Chairperson – Chair Haag – Haag will be retiring as a commissioner when his term expires August 31, 2021.
- 7.2. Commissioner Reports- No further reports
- 7.3. Council Liaison Enlow – Enlow updated the commissioners on the June 14 Council meeting: 2856 Northview Road setback variance was approved; 3017 Brooks Lane variance for fence in the AMLS was denied; 3126 Northview side yard driveway setback was continued; a water main relocation request was continued, water tower should be complete by September 30, City Hall playground was dedicated on June 15; and Half Moon Park Playground dedication is planned for July 29. A Tree preservation ordinance is being worked on by a subcommittee that will be presented to Parks, and Planning prior to going to Council for approval. Neighboring communities' ordinances are being reviewed.
- 7.4. Building Permit Report – Received and filed.

Honey was asked to contact Three Rivers and ask them to trim branches along the Dakota Rail Trail.

8. ADJOURNMENT

(Moriarty motion, Naylor second to adjourn; Ayes: Anderson, Halverson, Moriarty, Naylor, Swanson, and Haag; Nays: none). Motion passed.

Chair Haag adjourned the meeting at 8:57 p.m.

PUBLIC IN ATTENDANCE – The following individuals were noted in attendance: Lee Meyer, Nell Mathews, Lindsay and Laura Paine, Mike Lang

Minutes respectfully submitted by City Administrator Heidi Honey.

Heidi Honey, City Administrator