

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
August 27, 2018

1. Call to Order

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

2. Roll Call

Present: Chair Haag, Commissioners Anderson, Breazeale, Enlow, Halverson, Howarth, Moriarty and Council Liaison Bartel. **Absent:** None

Staff in attendance: Susanne Griffin, City Administrator and John Shardlow, Acting Interim Zoning Administrator

3. Approve Agenda

(Anderson Motion, Moriarty second to approve the agenda; all ayes). Motion passed.

4. Approve Minutes: July 23, 2018

(Breazeale Motion, Moriarty second to approve the minutes of the regular Planning Commission meeting of July 23, 2018; all ayes). Motion passed.

5. Public Hearing

5.1. Request for Minor Subdivision with Variances – 2422 Lafayette Road

John Shardlow introduced himself and stated he was representing Phil Carlson, Interim Zoning Administrator from Stantec. He stated that the planning commission staff report was prepared by former zoning administrator Ben Gozola, reviewed by Phil Carlson and himself. The request is for a minor subdivision and because of variances, it does require Planning Commission review.

Shardlow explained that the applicant has two legal lots of record and one lot is legal non-conforming and doesn't have street frontage (the inland lot) but is considered by ordinance a legal nonconforming lot. 2422 Lafayette Road is a conforming lakeshore lot and meets city requirements for size and width. The inland lot is nonconforming in terms of size but meets the width requirement. The variance request with the minor subdivision to create two lakeshore lots is for lot area and lot width. He affirmed that the rear inland lot does qualify as a buildable lot but needs street access, and if the city required the development of the street, variances would still be required to build on that lot.

Shardlow stated that the subdivision wouldn't result in any new lots, it's just a reconfiguration of two existing lots. Assuming the lots are reconfigured, both would require variances. Cities have discretion to review and make decisions on variance requests. He explained the old definition of hardship vs the newer definition of practical difficulties when dealing with variances. The question the city needs to ask is whether the new configuration would result in something that is consistent with the essential character of the community. Shardlow stated that the existing home would have to be removed before the final plat is filed and is a condition of approval. He continued to review the staff report pointing out the applicable city codes and criteria. He also stated that due to the timing of the completed application staff has extended the deadline because the initial 60-day review period would have concluded on September 9th and Council wouldn't meet until September 10th.

Chair Haag opened the public hearing at 7:09 p.m.

Applicant Rick Check (on behalf of the trust), 2422 Lafayette Road, took the podium and introduced the trustees of the property, son's Brian and John. Check showed a map showing the lots and their

relationship to surrounding areas. He pointed out the inland lot which has no access to a developed road and explained the significant problems with developing that lot which includes high elevation and drainage issues. He showed an aerial photo showing the woods in the rear and the relation to the city trail in Ray Peters Park and Crescent Street. He stated that if Northwood Avenue were opened it would also require a 96-foot diameter cul-de-sac to access the lot which would require taking out many trees.

Brian Check took the podium and explained that the applicants are requesting to reconfigure the lots into two lakeshore lots and examined the buildability of the two new lots. Mr. Check stated he has 23 years of experience in design and development. He showed on a slide what the potential buildable area would be for two lakeshore lots. Each new lot would be buildable on its own with no variances. The south lot would require a driveway on the north side of the lot. He also explained limitations of the lot which include where a current sanitary sewer easement restricts where placement of the homes would go but the sanitary sewer could be moved. There was some discussion about the current sewer line and the impact of moving the sewer lines. There are seven homes currently served by this sewer line, but it could be moved without impacting the other residents. It is unknown whether a new buyer of the lots would want to move the sewer. Check clarified that they were not asking about any specific building plans, but just the lot reconfiguration.

Commissioner Enlow asked what would prevent someone from asking to develop Northwood Avenue to gain access from the rear of either of the reconfigured lots. Zoning administrator John Shardlow stated the city could put restrictions on the variances to only allow access from Lafayette Road, also if there are tree preservation ordinances to protect the trees, there could be restrictions on tree removal as well.

Commissioner Moriarty asked about Northwood Road and whether the city would be required to support the improvement of that road. Mr. Shardlow stated that the city would be required to provide a reasonable means of access to a legally buildable lot, but they wouldn't be required to build the road/access.

Shardlow also stated that by conditioning the approval of the lot reconfiguration on access to the lots only by Lafayette Road, the city is reinforcing that they do not support the development of Northwood Avenue. Once the lot reconfiguration is final, there would no longer be a buildable inland lot so the need to develop Northwood Avenue would be eliminated.

Chair Haag asked if there are proposed building plans. Tony Sarempa from Keller Williams stated that plans are being discussed but no plans have been developed at this time. Check said the sale is contingent on the lot reconfiguration. Chair Haag was concerned that new buyers would come in and attempt to get additional variances.

Shardlow reminded commissioners that no setback requirements are being proposed or requested. Setback requirements would remain as they are today.

Resident Nell Mathews – 2643 Arcola Lane – asked for clarification of current setbacks for lakeshore property and average minimum lakeshore setback. Shardlow confirmed that this does not change the existing lake shore setbacks which this is stated in the staff report as well.

Commissioner Breazeale asked about potential future variance requests and while residents are allowed due process, the City would not be obligated to approve additional variances on the new lots. Brian Check reminded commissioners that the purpose of the applicant showing potential homes on the lot was to show a reasonable use of the new lots. There was additional discussion on the potential size of the homes that might go on the lot and where they might be placed on these lots.

Bridget Wortman – 2428 Lafayette Road – stated she is in favor of the lot reconfiguration into two lakeshore lots and feels it is consistent with other homes in the area. They would want the right to be heard if additional variances were requested at a later date.

Chris Zinn – 2416 Lafayette Road – stated he and his wife Robin are supportive of the two lakeshore lots and approval of the reconfiguration.

Patty Rezabek – 2522 Lafayette Road – supports the proposal, she would not want the back lot developed for reasons already stated.

Carole Knudsen - 1928 Beach – she supports the proposal, she would not want the back lot to be developed due to the impact on the trail which she uses often.

Chair Haag closed the public hearing at 7:45 pm.

Commissioner Anderson stated she was not in favor of the alternative which would be to develop the rear, inland lot. Commissioner Moriarty asked about when the house would be removed. Rick Check explained that the city code requires removal of the existing house before final plat is approved.

Chair Haag suggested adding the condition that access to the property be from Lafayette Road.

(Moriarty motion, Breazeale second to recommend approval of the minor subdivision for 2422 Lafayette Road with the condition that the resulting lots shall only have direct access to Lafayette Road;

During discussion Commissioner Breazeale asked about item d in the finding of facts (comment about the Comprehensive Plan goal of keeping property taxes low), and whether this provision should be included as a finding of fact. Mr. Shardlow responded that the tax provision in the findings of fact was unusual and could be removed from the findings of fact.

The motion was amended to state that the Planning Commission recommended approval of the minor subdivision for 2422 Lafayette Road with an added condition that the resulting lots will only have direct access from Lafayette Road to avoid potential adverse environmental impact associated with accessing the new lots from the rear (undeveloped Northwood Avenue), all ayes). Motion passed.

6. Old Business

- 6.1. Speed bumps – Chair Haag stated that since Council approved the speed bumps on Lafayette Road there have been additional requests for speed bumps in other parts of the city such as Beach Lane, Old Beach Road, and Old County Road. Commissioner Howarth stated her recollection was that additional speed bumps would also be placed on Arcola Lane. Another request was received for the area of 2315 Huntington Point Road East.

Commissioners discussed the requests and what was the best practice for deciding how to handle these requests. The traffic study was done on Lafayette Road to get a professional opinion on the best locations in that area. Chair Haag thinks that they can propose additional speed bump locations to Council using a common-sense approach and not do another study.

There was discussion about requesting that the Police perform extra directed patrol at Beach Lane to deal with problems of speeding, and not abiding by the signage at Beach Lane and Lafayette Road. Administrator Griffin stated that she would ask the police for extra patrol in that area to enforce the “no turn” sign, and speeding.

Administrator Griffin reminded commissioners that there is a policy that provides direction to the Planning Commission on dealing with traffic related issues. Griffin will send out the policy to commissioners.

Commissioners decided to hold a public hearing at the next meeting on the latest speed bump installations that have been proposed which include: Old Beach Road, Old County Road, Beach Lane (2), Arcola Lane and hill near 2315 Huntington Point Road East.

Staff will include a public hearing notice in the upcoming Beachcomber about the specific speed bump requests that have been made. Commissioners will take public comment into consideration as well as input from the Public Works Superintendent before proposing additional speed bumps to the City Council. They also decided to talk with Brian Berent and consider the time it takes for him to install and remove speed bumps each year before making their recommendation. Staff and Chair Haag will follow up with Berent. It was suggested that maps showing the proposed locations be used at the public hearing.

Commissioner Moriarty reported that a speed bump was missing on Lafayette Road by the swimming beach.

7. Reports

- 7.1. Chairperson – No additional report.
- 7.2. Commissioner Reports- No reports
- 7.3. Council Liaison Bartel reported on the actions of the August 13, 2018 city council meeting which included approval of Sean Woerner eagle scout project, staff to purchase new leaf vac that was budgeted, approved sidewalk and window well repair at City Hall, decided not to renew city assessor contract and instead the city will move to Hennepin County Assessor's office starting in 2019, approved the 2019-2023 CIP, appointed Phil Carlson as Interim zoning administrator from Stantec and authorized staff to move forward with hiring permanent zoning administrator replacement, approved support of the pedestrian crossing on Shoreline Drive, re-appointed Park and Planning Commissioners, Council also canvassed election returns and reported that the bond referendum passed.

Commissioner Breazeale asked about a way for the commissioners to keep track of the progress on issues that they have or are dealing with and offered to initiate such a process started. Staff creates a report for the city council called "Action Notes" that tracks council issues and could create something similar for the Planning Commission.

Resident Nell Mathews asked the commission what the city was doing about Sambatek billing since they did not fulfill the terms of their contract by not giving the city a 60-day notice to terminate. She stated Sambatek should refund the city for any difference on work performed. She is concerned that the city and residents will potentially get double billed for work done after Gozola left the company. Staff will review invoices to ensure that no double billing has occurred for work having to be done by the new company that Sambatek had already completed.

- 7.4. Staff – Griffin updated commissioners on the Planning and Zoning replacement process
- 7.5. Building Permit Report – Received and filed.

8. ADJOURNMENT

(Anderson motion, Moriarty second to adjourn; all ayes). Motion passed.

Meeting adjourned at 7:53 p.m.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Nell Mathews, Rick and Nancy Check, John Check, Brian Check, Patty Rezabek, Tony Sarempa, Jim Knudsen, Carole Knudsen, Bridget Wortman, Don Soukup, Judy Soukup, Chris and Robin Zinn.

Minutes respectfully submitted by City Administrator Susanne Griffin.

Susanne Griffin, City Administrator