

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
January 28, 2019

1. Call to Order

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

2. Roll Call

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

Staff in attendance: Susanne Griffin, City Administrator, Beth Elliott and Joe Polacek, for Phil Carlson Zoning Administrator,

3. Approve Agenda

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

4. Approve Minutes: October 22, 2018

(Moriarty motion, Anderson second to approve the minutes of the regular Planning Commission meeting of October 22, 2018 with one typographical correction; all ayes). Motion passed.

5. Oath of Office

5.1. John Naylor

Administrator Griffin administered the oath of office to newly appointed Planning Commissioner John Naylor.

6. NEW BUSINESS

6.1. 2019 Meeting Dates –

Commissioners reviewed the draft meeting calendar for Planning Commission dates which are normally the 4th Monday of each month. After discussion, commissioners made the following changes:

February 26th instead of February 25th

March 18th instead of March 25

November 18th instead of November 25th

December 16th instead of December 23rd

(Moriarty motion, Anderson second to approve the Planning Commission meeting dates for the fourth Monday each month with the following exceptions: February 26th, March 18th, November 18th and December 16th; all ayes). Motion passed.

6.2. 2019 Work Plan

Council Liaison Enlow explained that the City Council has asked Council Liaisons to work with committees and commissions to establish work plans for the year. For example, the green roof issue was on the city council action notes as an item for the Planning Commission. Other items may include other zoning ordinance amendments such as the detached garage height. Commissioners also discussed adding the results of the 2015 Transportation study to determine if there were still outstanding issues such as parking and speed bumps.

Commissioners agreed on the following work plan:

- Green roof – study

- Transportation study – bring back to review any topics still needing to be addresses such as parking, and possibly speed bumps
- Detached Garage height
- Open list of issues related to the Zoning Code

Liaison Enlow stated her understanding of what the city council was looking for with work plans is to identify the topics and establish a time frame for completing the projects. She is working on a draft to bring back to the Planning Commission.

7. OLD BUSINESS

7.1. Green Roof Study:

Beth Elliott, Stantec reviewed the memo in the packet addressing the issues regarding green roofs for the commission to study and discuss. The purpose of the memo is to outline the steps which include review of the materials provided, review current city standards, other cities, and determine next steps. The report articulated the issues with green roofs for the city, specifically whether stormwater credits such as pervious pavers and green roofs should provide the level of hardcover credits as spelled out in the zoning code. She explained that the current hardcover for the city is 30% hard cover, but with pervious pavers there is an additional 25% but there is a cap of 5% of the total lot area. Ms. Elliott provided a brief explanation of pervious pavers and how they work.

Green roofs, in the City's current zoning code, allows 50% credit in impervious surface and while that may be great for stormwater management it could allow someone to build on up to 50% of their lot.

She reviewed the issues:

1. Does the city want to encourage green roofs by maintaining the current credit or other incentive?
2. Does the city want to tie the green roof credit to other lot features such as pervious pavers, within the 5% lot area limit or some other limit?
3. Maintenance of green roofs: does the city want to invest in research and manpower to create and enforce maintenance agreements for green roofs? This involves gaining access to an owner's roof vs. the access at ground level for pervious pavers or other stormwater features

Elliott stated that in their research what they found was that stormwater features such as green roofs were more for stormwater management and not hardcover. Cities such as Minneapolis provide an incentive for stormwater credits by reducing stormwater utility charges. She also mentioned the research in the packet from Portland and Philadelphia. Stantec also provided some information from the Minnesota Stormwater Manual.

There was discussion about how the topic of green roof pervious surface credits came up which was as a result of a recent variance request that involved a green roof. This was the first time a resident requested credits for a green roof.

Commissioner Moriarty stated that his concerns were about the amount of hardcover that would be allowed and maintenance and enforcement issues with green roofs. He stated that if this is continued there should be criteria and definitions for green roofs as they are not all created equal. He stated that 50% seems like a high number and asked if that percentage based on a type of system. Ms. Elliott stated that the 50% credit is about the amount of green roof that can be installed, and the city can decide to put a cap on the amount of green roof credit similar to the pervious pavers. She also talked about the issue of "massing" on city lots, which the city's comprehensive plan talks about protecting.

Commissioners talked about whether there was any value in encouraging green roofs without allowing so much pervious surface credit as there is value in managing stormwater.

The packet included information about how intensive the maintenance of green roofs is. Commissioners discussed the maintenance issues, compliance and enforcement and what the percent of compliance might be.

Chair Haag asked whether there were new rules about stormwater management from the watershed district. Griffin explained that the city code does have post-construction stormwater management

requirements, but they are unrelated to hardcover, and she wasn't aware of any new requirements from the watershed district.

Commissioner Anderson asked about the Minneapolis stormwater credits for green roofs and in those circumstances, residents get credit on their stormwater utility bill for managing stormwater through these types of measures, and they are typically done in planned unit developments. Administrator Griffin asked whether any other lake area city offered similar hard cover credits and Mr. Polacek stated he was not aware of any.

Commissioner Moriarty stated he was fine with voluntary green roofs, and Halverson agreed but if they decided to maintain the credit, it should be capped, maybe 10%. She was also concerned about the maintenance issues. Commissioner Naylor agreed and was concerned about long term issues that could come up and potential abuse of the credit. Voluntarily using a green roof for the merits of the green roof is fine, but commissioners were generally concerned about the amount of zoning credit allowed.

There was discussion about managing the enforcement and how time consuming that could be for city staff. Breazeale was concerned about giving so much credit when there is no enforcement process. He also pointed out that since this has been in the code, there has only been one instance where a resident wanted to use green roof credits, so this isn't a significant issue for the residents.

Ms. Elliott explained the next steps of the process which would include setting a public hearing to review draft ordinance language with recommended changes. Elliott stated that perhaps they want to just eliminate the language dealing with green roof credits in section 3.7 (F) on page 119 of the zoning code and any other references to pervious surface credits for green roofs. Commissioners were in agreement that the language regarding green roofs and 50% hard cover credits should be removed from the zoning code. They also agreed that a definition of green roofs should be added. There was consensus that green roofs continue to be allowed, but not with a 50% hard cover credit.

There was brief discussion about adding a reference to maintenance of the green roofs if someone chose to do a green roof even without the credit which is covered in subsection (ii.), and commissioners agreed that this section was still important for the code should someone opt to install a green roof as a stormwater measure.

(Anderson motion, Naylor second to direct staff to prepare a draft amendment to Chapter 3 of the Zoning Code (page 119), Section 3.7 (F) Shoreland District, subsection f. starting with "Incorporate Green Roofs with the following minimum standards", removing subsection i. and iii., and any other references in the zoning code about green roof pervious surface credits, add a definition for green roofs, and hold a public hearing on the proposed zoning code amendment at the February 26th Planning Commission meeting; all ayes). Motion passed.

7.2. Garage Height Ordinance

Stantec zoning administrator Joe Polacek stated that due to a recent variance application the issue of clarifying zoning code language regarding detached garage height was raised. In that case, the homeowner came to the Planning Commission requesting a variance and the commission later determined that no variance was necessary due to their interpretation of the code language. This was due to code language that could be perceived as ambiguous or confusing. The staff memo in the packet explained that the current language states that "the maximum height of a detached private garage shall not exceed one-half of the height of the principal structure, but not be less than one story in height". The confusion came with the statement that garages cannot be less than one story in height. The assumption about the intent of the language is that 1) garages can be at least one story in height; 2) garages should be no more than half the height of the primary structure; 3) garages should not be taller than the house (not stated but assumed).

Mr. Polacek stated that a quick fix to the language to state that detached garages shall not exceed one-half of the height of the principal structure, or one story, whichever is greater, but in no case taller than the principal structure.

Ms. Elliott pointed out that the zoning code doesn't define what "one story" is but would likely be interpreted to mean that it is equivalent to what one story is in the principal structure.

There was discussion about the language related to this issue for Lafayette Ridge, in Planned Unit Development section. They aren't recommending changes to that section of the code. Commissioners discussed the issues related to defining what a story is and the height language for garages that have accessory uses (granny flats) above them. Commissioner Breazeale stated that language in the Lafayette Ridge section stating that the garage should be finished similar to the primary use could be helpful language.

(Breazeale motion, Halverson second to direct zoning staff to draft zoning ordinance language as shown in the January 23, 2019 Stantec staff report relating to detached garage height, add language that the detached garage be finished in a similar appearance to principal structure, and direct staff to schedule a public hearing for February planning commission meeting; all ayes).
Motion passed.

8. Reports

- 8.1. Chairperson – Chair Haag stated he was happy to see a full planning commission and looks forward to a good year.
- 8.2. Commissioner Reports- No additional report
- 8.3. Council Liaison Enlow reported on actions of January 14th City Council meeting, and she explained that her understanding of the council liaison role was to report on commission activities to the city council rather than having the committee chair attend and update at city council meetings.
- 8.4. Staff report: Griffin reported that the city council approved the comprehensive plan for submittal to the Met Council – they have 15 days to review for completeness, if complete the Met Council has 95 days to schedule the Plan to go before the Community Development Committee and then full Met Council then the plan comes back to the city for final city council approval.
- 8.5. Building Permit Report – Received and filed.

9. ADJOURNMENT

Chair Haag adjourned the meeting at 8:35 p.m.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet (or were in attendance):
Nell Mathews

Minutes respectfully submitted by City Administrator Susanne Griffin.

Susanne Griffin, City Administrator