

**APPROVED**  
**Minnetonka Beach Planning Commission Meeting Minutes**  
**June 24, 2019**

1. Call to Order

Chair Haag called the meeting to order at 7:04 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 and Phil Carlson, Zoning Administrator

3. Approve Agenda

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

4. Approve Minutes: April 22, 2019

**(Anderson motion, Halverson second to approve the minutes of the regular Planning Commission meeting of April 22, 2019 as amended with a minor typographical error, all ayes). Motion passed.**

**5. PUBLIC HEARING**

**5.1. Variance Request – Average Minimum Lakeshore Setback – 2408 Lafayette Road (Naylor)**

Zoning Administrator Phil Carlson stated that the Naylor's are requesting a variance to the lakeshore setback to build a bigger deck and screen porch. Carlson reviewed the zoning administrator's report in the packet. The existing deck is about 11' wide by 10' deep. The proposed deck and screen porch would be about 39' wide and depths that vary from 13' to 20' depending on the location because of the existing features of the home. The proposed addition would extend beyond the average lakeshore setback by 7.6' to 8.7'. He stated that they could locate the deck in another location near the front door, however, it would be over the lower level windows and would block light which could be considered a practical difficulty.

Carlson reviewed the comprehensive plan guidance and variance criteria. Their task is to consider whether the request meets the criteria. Carlson discussed each criterion: consistency with comprehensive plan, reasonableness, unique circumstances, change to essential character and economic considerations. Carlson reviewed the options that the Planning Commission could recommend which included recommending approval, denial, or continuing the item to a future meeting. He stated that in this case he was not making a recommendation or giving his opinion.

Three neighbors have sent letters of support.

Commissioner Naylor recused himself and addressed the Planning Commission.

Mr. Naylor stated that they moved to their lake home so they could enjoy the lake. The current deck is just too small to do that. They have talked with their neighbors who are supportive of the project. Jodi Naylor stated that the current setback of the house is set quite far back from the others. Commissioners reviewed the site plan on a larger scale to see how the variance would affect the neighborhood.

Commissioner Anderson asked about hardcover. Carlson stated that the hardcover is not an issue as the deck has openings that allow water to pass through so would be given hardcover credit.

Commissioner Moriarty pointed out that the existing stairs would have required a variance also and whether the proposed stairs could be moved to the side as they would extend even further into the setback. Ms. Naylor said stairs could be moved to the side.

Commissioners stated that the packet information was very helpful with visuals. Halverson stated that she believes with the current setback of the house, the proposed porch and deck would be within the keeping of the neighborhood.

Commissioner Breazeale spoke of his experience with variances in the lakeshore setback and that the burden to justify a lake setback variance has historically been very high. The issue is the line of sight. Commissioners discussed the change from undue hardship to practical difficulties and how this affects the standard for allowing lake setbacks and variances today.

Commissioners discussed definition of practical difficulty and the changes of this criteria over time and how that affected variance requests from the past. Commissioner Anderson reviewed the current criteria and stated that they need to review the request based on that. Chair Haag reminded commissioners of another variance that they recommended for approval that was much closer to the lake than this request. He feels this request will have little impact on the neighborhood based on the current house location.

### **Chair Haag opened the public hearing at 7:30 pm**

Nell Mathews – 2643 Arcola Lane –

Requested clarification on hardcover with the request. She recalled that the previous owners had hardcover issues with pool decking and asked how the hardcover was calculated. Mathews was concerned that they would go through the variance process and then have a hardcover issue.

Zoning Administrator Carlson explained how they came to the current hardcover which included credit for removal of the existing deck and credit for water being able to flow through and infiltrate into the grass or surface below. Carlson stated that to be sure of the hardcover the applicant should verify the current and proposed hardcover and clarify how it was calculated.

Council Liaison Enlow asked about how approval of this variance would impact future lakeshore setback calculations. Carlson stated that if approved, the AMLS would change for neighboring properties.

Chair Haag closed the public hearing at 7:40 pm.

**(Anderson motion, Halverson second that the Planning Commission recommends that the City Council approve the variance for a porch and deck addition at 2408 Lafayette Road with the conditions that the stairs be moved to the side of the deck and hardcover be verified as under 30%, with the Findings of Fact in the Planner's report dated June 24,) Ayes: Anderson, Halverson, Moriarty, Howarth; Nays: Breazeale; Commission Naylor recused himself). Motion passed.**

### *Findings of Fact for Approval*

- 1) Adding a porch and deck to a single-family home is a reasonable use of the property.
- 2) The dimensions available within the front setback – 4.6 feet minimum and 11.8 feet maximum depth – are less than needed for a reasonably sized porch and deck. The requested porch and deck dimensions are reasonable and necessary for the use and enjoyment of the property.
- 3) The dimensions of the existing house and property were not created by the applicant and pose a practical difficulty in meeting the setback for a reasonable addition.
- 4) The extension of the porch and deck addition by 7.6 feet to 8.7 feet beyond the lakeshore setback will not alter the essential character of the locality, as evidenced by supporting letters from adjacent neighbors.
- 5) The request meets the criteria for granting a variance in Section 2.4(C)(4) of the Code.

## 5.2. 2020 – 2024 Capital Improvement Program

Commissioner Anderson, CIP Member in Charge, attended the recent Capital Improvement Committee Review Committee and stated it was very helpful to learn more about each proposal from the individuals who proposed the items. Anderson stated that all of the 2020 proposals were noted in red and the comments section tracked updates and changes during the course of the review process.

Anderson reviewed each of the proposals and described the rating criteria and point system that the review committee used to rate each of the 2020 proposals. Discussion was as follows:

- Discussed rationale for upgrading the playground equipment at city hall park which was based on comments from Park Commissioner Lehman who has an extensive background in this type of equipment
- Discussed the city's Emerald Ash Borer program of treatment and removal
- Discussed the change to lighting for skating rink to LED which will save money after about 5 years
- Discussed Phase 2 of the paths to the raised median and how using dirt from the watermain improvements will save the city money. Suggested modifying the language in the CIP about Phase Two of the path because it was already approved by Council
- Discussed road repairs and the Pavement Management Study. Staff to send study to commissioners. Moriarty pointed out how poor Huntington Point Road West is right now. Griffin stated that the public works director has planned some paving repairs yet this year.
- Discussed utility vehicle and uses for this equipment. Item 15 will be combined with this so that watering can be done with a utility vehicle.
- Discussed generator request and commissioners thought the number was high – Griffin stated that Berent has gotten four quotes and the estimated price in the CIP was in the mid-range.
- Discussed water plant and storage upgrades – this depends on decisions that the city still needs to make about rehab versus replacement. Discussion about how this would be funded which could be reserves, tax levy and/or water fees.

Total proposed 2020 CIP is \$180,500.

### **Chair Haag opened the public hearing at 8:07 pm.**

Resident Jill Bartel commented that she was concerned about the Brooks Lane watermain that was eliminated by the city council due to the construction bids coming in over expected costs and asked for clarification on costs. Administrator Griffin explained that the CIP included estimated costs and bids came out higher than the estimated costs. Bartel pointed out that since it was not accomplished in 2019 as part of the 2019 Infrastructure Improvement program, it needs to be included in the plan for future and that the Brooks Lane residents who have been waiting many years for updated water mains.

Resident Nell Mathews asked if anyone has spoken to City Engineer Amundsen to ensure that the cost estimates for the path to the raised median are accurate. She expressed concern about the reduction and whether the CIP amount is sufficient for completing the phase 2 paths.

### **Chair Haag closed the public hearing at 8:15 pm**

Commissioner Halverson asked about the comments made by Park Commission that they wanted to hold off on phase 2 until 2021 but it was still shown in the CIP for 2020. The notes section included the comment, but staff kept the request in 2020 for discussion purposes.

Council Liaison Enlow explained the issue of the phase 2 connection trails and the cost saving measures that came out of the last city council meeting on June 10<sup>th</sup>. Cost savings included storing of reclaimed asphalt in Lafayette park, use of the dirt to build the paths for Phase 1 and Phase 2. She shared copies of the map that was provided at the council meeting showing the various path options and what was already approved and what was still under discussion. The third savings opportunity discussed at council meeting is to use seed versus sod where appropriate in the project.

She discussed the estimated costs for the paths (both Phase 1 and 2) and ultimately commissioners agreed that the \$30,000 budgeted for 2020 is accurate at this time.

**(Anderson motion, Naylor second to affirm that the 2020-2024 Capital Improvement Program is consistent with the Comprehensive Plan and recommends approval of the 2020 Capital Improvement Program, all ayes). Motion passed.**

Commissioner Halverson asked whether commissioners want to make any recommendations to the city council regarding the Brooks Lane 4" water main replacement that was eliminated from the 2019 project.

**(Moriarty motion, Naylor second to recommend to the City Council that the Utilities Commission reviews plans and make a recommendation to the city council regarding the Brooks Lane 4" watermain replacement that was removed from the 2020 Infrastructure Improvement program, all ayes). Motion passed.**

Chair Haag and commissioners thanked Commissioner Anderson for all her hard work on the CIP. Moriarty asked about the use of scoring the projects and whether the scores would lock the projects into the plan in a certain way. Griffin stated that the scores would be used as a mechanism for rating along with other factors for city council deliberations.

## **6. OLD BUSINESS**

### **6.1. Zoning Code Amendment: Landscaping and Fence Setbacks**

Council Liaison Enlow explained the background of this issue and that the city council referred this to the Planning Commission for review and possible zoning code changes. Enlow stated that Administrator Griffin researched local lake area communities and Brainerd lakes area none of which had regulations. She is now recommending that based on this information it may not make sense for Minnetonka Beach to regulate landscaping at this time either. Commissioners were in agreement, and Enlow will report back to the city council.

## **7. NEW BUSINESS - None**

## **8. Reports**

- 8.1. Chairperson – Chair Haag had no report
- 8.2. Commissioner Reports- No further reports
- 8.3. Council Liaison Enlow reported on actions of the June City Council meeting including: access paths, MS4 SWPPP program public hearing and receive and file, 2019 construction hours were extended for the Infrastructure Project, \$2.385M bond authorized, city has a AAA rating, parking restrictions – Myers and Berent met with Orono PD about stenciling the road which couldn't be done so they are ordering additional No Parking signs, Orono PD has been asked to enforce, Johnson/Brooks Lane stormwater complaint, west part of Northview wall has been repaired, council meetings now videotaped, city can videotape a 2<sup>nd</sup> meeting per month for free and council will consider having the Planning Commission taped at the July meeting, a new TV monitor is being purchased for presentation in the council chambers
- 8.4. Building Permit Report – Received and filed.

## **9. ADJOURNMENT**

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

Chair Haag adjourned the meeting at 8:45 p.m.

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

Minutes respectfully submitted by City Administrator Susanne Griffin.

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Susanne Griffin, City Administrator