

APPROVED

Minnetonka Beach Planning Commission Meeting Minutes

May 18, 2020

1. Call to Order

Chair Haag called the meeting to order at 7:02 p.m.

2. Roll Call

Present: Chair Haag, Vice Chair Moriarty, Commissioners Anderson, Breazeale, Halverson, Howarth, Naylor and Council Liaison Enlow.

Staff in attendance: Phil Carlson, Zoning Administrator and Patrick Melvin, City Administrator.

3. Approve May 18, 2020 Agenda

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

4. Approve April 27, 2020 Minutes

(Halverson motion, Anderson second to approve the Minutes with three corrections as listed below, all ayes). Motion passed.

- A) Page 2, last sentence of first paragraph revised to read: If the 112.8 ft AMLS line were used, it would not require a variance however the other two AMLS lines would, the project would not encroach beyond that line, but would still require a variance. The other two AMLS lines would require variances as well.
- B) Page 3, first sentence of the second paragraph to read: Ms. Mathews, based on the Comprehensive Plan adopted in 2019 stated houses should be believes 75 feet from the lake or the AMLS distance ~~be enforced~~, whichever is greater.
- C) Bottom of page 3, correct Commissioner Halverson's vote to an Aye with regards to the Breazeale/Howarth Motion on the Kiesel variance request.

5. Old Business -

Commissioner Naylor made the request to review from the previous Planning Commission meeting the stormwater run-off and the consideration of stairs in the AMLS. He was not certain what the Planning Commission's final determination was with regards to stairs in the AMLS and how they impact the AMLS for adjoining properties and questioned if the Commission needed further discussion to provide some clarity. It was stated that City Engineer Darren Amundsen had put together a cost estimate for the work related to the storm water runoff which was approved by Council and that Mr. Amundsen will return to the Planning Commission once his research is complete to continue that discussion.

Zoning Administrator Carlson in response to the stairs in the AMLS advised the Commission that the Council determined that stairs should not be considered in the AMLS but that the deck should be. The question may be are stairs exempted from the AMLS and does that include all stairs regardless of size?

The example used was can a homeowner build a large set of stairs coming from a second level leading to the ground towards the lake and are those stairs allowed to encroach into the AMLS? Some individuals have indicated that would not be acceptable.

Chair Haag commented that Planning Commission has denied stairs toward the lake and cited the Naylor request. Carlson informed the group that was a different set of circumstances with the Naylor deck and porch already extending 8 feet into the AMLS and the stairs would have encroached into the AMLS beyond that.

Commission Naylor questioned if a house is already within the AMLS can the house have stairs leading to the lake? He reasoned if a structure is not allowed in the AMLS it should not be counted as a structure defining the AMLS.

Commissioner Breazeale asked Zoning Administrator Carlson to recap how the AMLS has been determined historically for Minnetonka Beach dating back to 2000. He believes that the old way of determining the AMLS may have been better and would like to know what are the AMLS standards that have been used in the past.

Commission Enlow felt that it was better to have this discussion and resolve this issue when a variance is not pending and suggested that Commissioners submit their questions and unique situations to Administrator Melvin for it to be further reviewed and analyzed by a subcommittee comprised of Council Member Enlow, Chair Haag, Zoning Administrator Carlson and Administrator Melvin. Chair Haag felt that all Planning Commission members should be making this decision and it was agreed that the subcommittee would only be providing more structure and preparation for this discussion with the Planning Commission.

Zoning Administrator Carlson pointed out that there are two issues, one what is the AMLS line and how does the Commission set it and secondly does the Planning Commission grant variances into the AMLS?

Nell Mathews, a resident at 2643 Arcola Lane who was participating in the Planning Commission meeting pointed out that stairs are allowed to provide access to the lake in a situation where there is a slope or hill to the lake and that this should not be confused with what the Planning Commission is proposing to discuss.

This topic will be on the next Planning Commission agenda.

6.1 Proposal for Study of Undeveloped Northwood Avenue and Other Right-of-Way Easements

The City Council approved a moratorium on January 13, 2020 prohibiting the acceptance, review, processing or approval of applications for any grading or construction work or the subdivision of property within or abutting the unopened right-of-way of Northwoods Avenue. This action was taken to allow further study of the impact on neighboring properties and to determine what official controls the City might want to approve prior to further decisions in the City's right of way easements.

This issue came forward when a request was made for a shared driveway on the undeveloped Northwood Avenue right-of-way easement for the homes at 2416 and 2422 Lafayette which was approved by the Council. The Pebble Beach plat also prohibited access to Northwood Avenue and the Council removed that stipulation in the process of granting driveway access.

The Planning Commission discussed the impact this would have City wide and concluded that any action would also impact Hill Road and Crescent Street to mention a few. The Commission analyzed the other properties on Northwood Avenue and did not see the remaining property owners abutting Northwood Avenue to the south finding significant value in being able to access their property via Northwood Avenue. The Commission also questioned the value of the City vacating Northwood Avenue which currently provides a nice walking trail through the woods.

Chair Haag was in favor of addressing this issue now rather than waiting for it to become an issue and then having to make a hasty decision.

Commissioner Anderson did not believe this needed to be addressed now and felt it was better to address these situations as they arise by evaluating the specific requests from residents. She did not feel that additional properties would benefit from having access through Northwood Avenue and that further work on this issue will simply cost more money.

Commissioner Howarth shared that residents are concerned about the loss of a trail if the City were to vacate the right-of-way. If the City were to vacate the 60 feet easement 30 feet would go to the property owners on west and 30 feet to property owners on the east. These property owners would have a right to that property and would be able to do as they see appropriate. Planning Commission members did not see the rational for vacating the right-of-way easement.

Commissioner Moriarty inquired about the need to end the moratorium to which Zoning Administrator Carlson responded that if the City is not actively studying this topic the one-year moratorium should be removed.

(Anderson motion, Breazale second to not do any further study on vacating the Northwood Avenue right-of-way easement and to end the moratorium, all ayes) Motion passed.

7.1 Chair Report

Chair Jim Haag thanked the Council for their hard work on the Kiesel variance request.

7.3 Council Liaison

Commission Enlow updated the Commission on the following: The City prevailed in the Schussler litigation and the Schusslers now have 60 days to appeal. The City received three quotes for water tower and will be proceeding to install a historic looking water tower, similar to what currently exists, at \$1.127 million. This will be completed in the spring/summer of 2021 and involves the sale of \$1.355 million in bonds which will be financed over a period of 20 years. The repairs to the drainage on Northview have been completed. The Council discussed and agreed with the Planning Commission to set the AMLS line at 136.1 feet from the lakeshore. The stormwater work with Stantec was approved at Council. The street paving project came in high and the City will be paying a portion in 2020 and another portion of the cost in 2021 but getting all the work completed in 2020. Vibhu Sharma was selected to replace Lee Goehring on the Dock Committee.

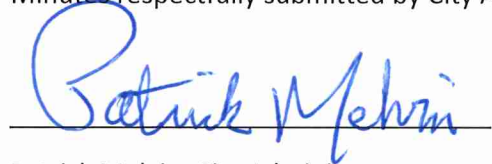
8. Adjournment

(Moriarty motion, Halvorson second to adjourn the meeting at 8:04 p.m.) Motion passed.

PUBLIC IN ATTENDANCE- The following individuals were involved in the May 18, 2020 Zoom meeting:

Nell Mathews – 2643 Arcola Lane

Minutes respectfully submitted by City Administrator Patrick Melvin.



Patrick Melvin, City Administrator