

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
October 23, 2017

1. Call to Order

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

2. Roll Call

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

Staff in attendance: City Administrator Susanne Griffin, Zoning Administrator Ben Gozola

3. Approve Agenda

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

4. Approve Minutes: September 25, 2017

(Halverson motion, Haag second to approve the minutes of the regular Planning Commission meeting of September 25, 2017; all ayes). Motion passed.

5. Old Business

5.1. Zoning Code Amendment Final Review

Chair Orehek stated that the Planning Commission had the opportunity to review comments from the city attorney and any additional comments from the City Council at their last meeting regarding the zoning code final proposed amendment. He noted a couple of items from the Council meeting; one was the table on page 8 of the code where the Planning Commission requested the Zoning Administrator be an advisor and not a recommender, the City Council opted to have the Zoning Administrator make recommendations based on his professional opinion. Also on page 10 of the code, he pointed out that where the Planning Commission wanted members on the Board of Adjustment and Appeals, Council opted not to change membership from the current system. He asked Zoning Administrator Gozola to continue to review the changes made since the Planning Commission last saw the zoning code.

Zoning Administrator Gozola went through the City Attorney comments denoted in green highlighting. He mentioned the commentary on page 8 regarding the role of the zoning administrator. He expects to continue to be prepared to make recommendations when requested by the Commission.

Commissioner Breazeale asked about page 60 of the zoning ordinance, Table 3-3 specifically on outbuildings and storage sheds, Council agreed with Planning Commission recommendation regarding lakeshore setback and side setbacks. Also, Council's agreed with Planning Commission's patio recommendation for 8-foot side setbacks and not within the 75-foot lake setback.

Commissioner Anderson asked for clarification on Table 3-6, on page 67, regarding the reference shown in blue regarding hardcover credits (the reference was later corrected to Section 3.7, F, 7, e).

Anderson also asked about definition of structure for accessory structures. Gozola referred to the definition in the definition section, and the table on page 155 of the zoning code. Anderson also had comments about the council meeting, particularly about the Board of Adjustment and Review and their discussion about this topic. She felt there was little discussion by the Council on things the Commission recommended and felt it was dismissive.

Chair Orehek asked members of the audience if anyone would like to speak about the final draft of the zoning code.

Nell Mathews - 2643 Arcola lane – Ms. Mathews stated that the last Planning Commission meeting she asked the commission to consider changing the patio standards. She stated that she went to other residents with a petition which 11 property owners signed, and she asked that the Commission accept the petition and signatures.

The petition read:

Action Petitioned For: We, the undersigned, are concerned citizens who request the Zoning Code amendments regulate the area on lakeshore lots between the 75-foot setback from the lake and the current Average Minimum Lakeshore Setback. The specific requests are as follows: 1) Not allow permanently affixed patios or outdoor living spaces, including terraces or decks to be built or expanded in front of the AMLS or into side setbacks without a variance; 2) Designate permanently affixed patios or outdoor living spaces as a structure which are subject to all City minimum standards relating to setbacks and hardcover; 3) Not allow permanent recreational or other immovable or affixed items, which are not natural plantings, to be installed in front of the AMLS or into the side setbacks without a variance.

Ms. Mathews went on to explain why she felt that allowing structures in the AMLS would contribute to increased noise, and light, and that it was inconsistent with the comprehensive plan. She asked that the petitioners receive the same courtesy as others who have spoken in the past of the zoning code amendment. She then showed Commissioners aerial photos of the area and how it impacts the neighbors.

Commissioner Breazeale asked that if patios were considered structures then that would affect AMLS for all structures such as primary structures. Homes would have to be built up to the patio line instead of actual structure lines when determining AMLS. He thought that at some time in the past there was a patio line and a structure line. He also asked Gozola if other cities have two separate lines and Gozola wasn't aware of any.

Santiago Abraham - 2637 Arcola Lane – Mr. Abraham asked about below ground pool treatment and Zoning Administrator Gozola stated that they must meet the least restrictive of either the AMLS or the minimum 75-foot setback. Patios are essentially outdoor recreational equipment. He thinks they should be treated the same as pools.

Ms. Mathews stated that terraces are treated differently due to their height, but they are all outdoor living spaces, and if someone wants to install a patio in the AMLS it should require adjoining neighbor input through the variance process.

She went on to say that she believed in one of the original zoning code drafts (near one of the hearings) patios were to be behind the AMLS, and at some time during the Planning Commission discussion on this topic, it changed to not require the AMLS restriction.

Commissioner Anderson stated that the petition should be forwarded to the City Council.

Commissioner Haag stated that historically and today most people want to use the lake side of their yard and utilize the space. People pay a premium for this space. He thinks it is reasonable to put patios in the AMLS.

Ms. Mathews stated that this is contrary to what she believes members of the community think which is that patios shouldn't be in the AMLS. She stated that Mr. Abraham's predecessor changed the way the land has been used by removing the deck and installing a patio.

Mr. Abraham stated that having a patio doesn't create extra noise, but rather families just using their yards will cause noise.

Commissioner Anderson asked Ms. Mathews what she would want for side setbacks and she replied that it should be treated the same as building side setbacks, and depends on the size of the lot. Ms. Mathews stated that patios are outdoor living spaces and should be subject to side setbacks depending on the size of the lot and subject to the AMLS. She stated residents could apply for a variance to install a patio in the AMLS.

Commissioners discussed the different variations on this issue including the option to go back to what the current ordinance allows which is zero side setbacks for patios and monitoring the situation and revisiting the requirement if necessary.

Commissioner Breazeale stated he understood the petitioners request but wanted to move forward with the code as written and doesn't feel they should make the change based on the input of 11 people.

Chair Orehek suggested they move forward with the draft language and add it to the list of items to be revisited after the code is adopted.

Mike Fasching – Cottage Lane- asked about the specialized Lakeshore Setbacks. He also asked about the language on page 158 of the draft code regarding existing detached garages. The language says it can be remodeled, maintained and rebuilt in the same location as long as the horizontal size is not enlarged (existing code language). He stated that his understanding was that it should state that they can't increase the volume and he would suggest this provision be removed.

Gozola clarified that nonconforming structures must not increase in volume, but agreed that this language might be in conflict with that, and he would be willing to strike that section.

(Breazeale motion/Anderson second to strike that Section (3), (b), (ii.) on page 158 of the draft zoning code regarding existing detached garages). All ayes.) Motion passed.

Mr. Fasching also brought up the issue of specialized lakeshore setbacks and how it was worded in one of Mr. Gozola's documents. He disagreed with the way it was portrayed, and thought it needed to be corrected for the record.

The final recommendation to the City Council was to adopt the new zoning code with the one change noted above and with Gozola to correct the reference on page 67.

(Breazeale motion/Haag second to recommend that the City Council adopt Ordinance No. 117, 2nd series, an ordinance repealing Chapter Two of the City Code and adopting a new chapter two governing land use management with one change to page 158 of the code striking Section (3), (b), (ii.). All ayes.

5.2. Transportation Projects – Safe Crossing

Commissioner Halverson updated members on the Safe Crossing Subcommittee work. She presented information to Park Commission, and they are interested in the plans but cautiously supportive due to concerns with the path in Lafayette Park.

She is also meeting Three Rivers Park District Superintendent Boe Carlson to specifically discuss concerns raised on the Arcola Lane side. She also stated that have gotten some bids back on the dirt path and were waiting on another.

Chair Orehek shared the discussion on this topic at the last council meeting which was discouraging. The City Council requested that the Planning Commission come back to Council with a clear, concise plan, that they get public input and they come back to the City Council with a recommendation.

Chair Orehek stated he had gotten some preliminary bids for the access paths in the amount of \$35-40,000. He stated that he asked the City Council to consider approval with funding options (i.e. city funded, partially privately funded).

Administrator Griffin asked when they expect to hold the public hearing, and Chair Orehek suggested they hold it at the next Planning Commission meeting.

Commission Haag asked about the status of the speed bumps. Chair Orehek provided an update stating that council tabled the issue. A speed study that showed that there weren't people speeding. He believes the issue was tabled due to a lack of information. Additional bids could be obtained if requested.

6. Reports

- 6.1. Chairperson – Chair Orehek noted that the Commission has a vacancy and members should talk to residents who might be good candidates.
- 6.2. Commissioner Reports-Anderson reminded members of the Public Works director open house tomorrow.
- 6.3. Council Liaison Bartel – Provide a report on activities at the October 10th Council meeting which included a discussion on videotaping Council and Planning Commission meetings. Council would like input from the public on whether they should move forward with this. If they decide to go forward it wouldn't start until January. She reported that Betsy Taylor was appointed to Park Commission, the variance recommended by the Planning Commission at 1909 Beach Lane was approved, Council approved a study for replacing the remaining 4" water mains, receive an update from the building official on the nuisance ordinance violation 2328 Lafayette Rd (no improvements noted), City Clerk Honey assisted with the water supply plan saving the city money, and Mayor Taylor has offered to take the lead on updating the Comprehensive Plan
- 6.4. Planning and Zoning Administrator – no report
- 6.5. Building Permit Report – Received and filed – Orehek commented that conflicts around building permits seems to be improved

7. ADJOURNMENT

(Halverson motion, Breazeale second to adjourn; all ayes). Motion passed. Meeting adjourned at 8:32 p.m.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Nell Mathews, Santiago Abraham, Mike Fasching.

Minutes respectfully submitted by City Administrator Susanne Griffin.

Susanne Griffin, City Administrator