

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
September 24, 2018

1. Call to Order

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

2. Roll Call

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

Staff in attendance: Susanne Griffin, City Administrator and Phil Carlson, Interim Zoning Administrator. Carlson introduced himself and Joe Polacek who is a planner in their office.

3. Oath of Office

City Administrator Griffin administered the oath of office to Commissioners Haag and Enlow who were recently reappointed by the City Council.

4. Approve Agenda

Commissioner Anderson asked to add to the agenda a discussion about setbacks related to the Check subdivision approval adding item 7.1.A after the Dudley public hearing.

(Breazeale Motion, Moriarty second to approve the agenda as amended adding item 7.1.A – Discussion about setbacks from Check Subdivision discussion at August 27, 2018 planning commission meeting; all ayes). Motion passed.

5. Election of Officers

Commissioner Anderson asked current officers Jim Haag and Craig Moriarty if they were willing to continue to serve as chair and vice chair, which they were so she nominated Jim Haag as chair.

(Anderson motion, Howarth second to elect Jim Haag as Chair; all ayes). Motion passed.

Commissioner Anderson nominated Craig Moriarty as vice-chair

(Anderson motion, Howarth second to elect Craig Moriarty as Vice-Chair; all ayes). Motion passed.

6. Approve Minutes: August 27, 2018

(Enlow motion, Howarth second to approve the minutes of the regular Planning Commission meeting of August 27, 2018; all ayes). Motion passed.

7. Public Hearing

7.1. Request for Variances – 2542 Lafayette Road

Interim zoning administrator Phil Carlson reviewed his staff report providing the background on five variances requested by Jim and Kathy Dudley at 2542 Lafayette Road to build a new home on the property. He reviewed the existing conditions, and showed slides depicting each variance in comparison with the city's zoning requirements. The Dudley's are requesting the following variances: rear yard setback and two side yard setbacks, encroachment plane, and impervious surface coverage. Carlson reviewed slides showing existing conditions and proposed conditions.

Variance requests:

- 1) The rear yard setback variance – 40 feet is required, they are asking for 7' minimum requested

- 2) South side yard setback for a driveway – seven feet is required, and they are asking for one foot
- 3) The north side yard setback to project a cantilevered balcony 3' 9" into the setback where 3 feet is allowed
- 4) The encroachment plane variance is requested to extend the home two feet into the encroachment plane.
- 5) The impervious surface variance is being requested for 39.5% where 30% is required. The home itself would be more than 39.5% but they are proposing a number of improvements that would get hardcover credits. Carlson also talked with the city engineer about the proposed hardcover credits and his initial comments were that the credits require further review, so the proposed hardcover calculations may not be exactly correct. He did say that the applicants may be able to do more than what is currently being proposed to bring hardcover down even more.

Carlson explained the variance process and the responsibilities of the Planning Commission to make recommendations to the city council who has no obligation to approve the variances, but state law does allow for property owners to make their case in establishing practical difficulties. Carlson reviewed the criteria which include consistency with the city's comprehensive plan and if the request is in harmony with the city's ordinances. Other criteria include whether the applicant is proposing a reasonable use of the property and can establish that there are practical difficulties in complying with the ordinance. Carlson talked about what could be reasonably built on the property without any variances. Carlson suggested that while the property and requests should be reviewed as a whole, commissioners should take each variance and apply the criteria to each variance separately.

Commissioner Anderson brought up the issue of drainage which seems to be an issue for this area. Carlson stated that they should not be proposing anything that makes drainage worse and he cautioned commissioners that a city engineering review would be in order.

Chair Haag asked the applicants to present their materials. Jim Dudley stated that he and his wife Kathy have been in the community for 20 plus years, and he's been here longer than that. He explained that the lot is challenging, but they met with nearly all of the neighbors within 350 feet to get their input on the plans. After they read the staff report on Friday, they met over the weekend with the architects to discuss some ideas for additional hardcover reductions.

Matthew Byers, from the architectural firm PLAAD, presented slides to the planning commission. There are five non-conformities with the existing structure on the lot, one being the front yard setback which impacts the neighborhood and views. The existing home's garage is in the rear setback and they are proposing a rear yard setback for an attached garage due to necessary turning radius to access the garage. Zoning Administrator Carlson stated that after understanding the turning radius issue with the garage, the rear yard variance becomes more reasonable, but the question remains about where the garage should be located.

Byers reviewed the current hardcover situation which is over 39% so they discussed the proposed green roof and using permeable pavers for the driveway approach which will reduce hardcover even more than originally proposed.

Byers stated that regarding the south side yard setback variance, the neighbors to the south access their garages from an alley, but they were not agreeable to allowing access for another home, so the driveway is being proposed exactly where the current one is.

North side yard setback variance is only being requested for a 4' x 4' cantilevered balcony to allow for a small outdoor grill. Regarding the encroachment plane variance, Byers stated the need to stack the load bearing walls prevents them from having to have beams in the middle of the living space.

They also studied the solar access in the summer, and no shade falls on the neighboring home.

Byers talked about the value of green roofs which include insulation, but more importantly in dealing with rainwater. They believe the design will greatly improve the overall drainage situation. The reason for the hardcover is due to the need to access the garage. An alternative that has been discussed would be pervious pavers for the driveway and the driveway approach would be a product called grass core, which

is a special system using washed gravel that allows water to permeate through. If the statistics on this product are accurate, and approved by the city engineer, that could bring the hardcover down to 28.5%.

Chair Haag opened the public hearing at 7:45 p.m.

Betsy Myers – 2532 Lafayette Road – Myers applauded the applicant for a proposal that is an improvement to the area, and she appreciated meeting with the applicants for an explanation of the project.

Lee Goehring – 2423 Woodbridge Road – Likes the design, and level of detail and collaboration with neighbors. Current property has a lot of nonconformities, including drainage issues with a sump pump that dumps water into the neighbor's yard. This will be a vast improvement.

Wayne Ramaker – 2528 Lafayette Road – Impressed by the design and that applicants have talked with the neighbors about the design. He believes the green roof will improve the drainage situation. Water flows away now since the other homes on Lafayette Road were built and this design appears to drain away from their property. The design of the house will blend in nicely in the neighborhood.

Commissioner Anderson asked Mr. Ramaker about his comment regarding drainage improvement in the area since the other three homes were built to the south of applicant's property. Ramaker stated that it is improved in that the water is coming from a different direction now and not also from the previous home.

Commissioner Enlow asked Mr. Byers about green roofs. Mr. Byers explained a slide showing the plant material used and capacity of green roofs which can hold up to 2.5 inches of rain. Enlow also asked about the foundation grade. Byers said the foundation will come up five feet to meet the flood protection level which will be consistent with the homes to the south.

Janet Boschwitz – 2950 Northview Road – not immediate neighbor but appreciates the Dudley's pulling back the home from the front yard setback. She thinks the design is good for the neighborhood.

Commissioner Enlow asked again about the grade and asked about how it affects the property to the north. Byers stated there is a landscape wall on the north side meeting existing grade. Mr. Dudley stated that the grade won't be raised in the rear, only the front.

John Whitaker – 2200 Huntington Point Road W. Stated he submitted an email in support. He stated this is a difficult lot, very narrow and he supports the proposal.

Chair Haag closed the public hearing at 8 p.m.

Commissioner Breazeale has walked the property and talked with the neighbors. He talked about the Bank metal retaining wall that was put in. He has questions about the elevation in the rear which falls two feet in a distance of seven feet to the rear neighbor and is concerned about how the water will be contained on the property. He is concerned that the city engineer hasn't reviewed the plan. Carlson stated that the city engineer will need to weigh in on the plan prior to approval of the building. Mr. Byers stated that there is a steel retaining wall on the south property that they will match. Commissioner Howarth asked about the property to the rear and the impact on this property. Council Liaison Bartel spoke to those neighbors and they reportedly stated they liked the plan but want to ensure it doesn't create flooding.

Carlson asked Byers to explain the grading plan and to show commissioners where the water will go. Byers stated that they are currently matching grade in the rear, and they discussed putting in drain tile around rear which would day light in the front yard.

Commissioners discussed the permeable pavers and other alternative solutions for the drive aisle and garage approach and that all options combined could reduce hardcover to 28.5%.

Commissioner Breazeale asked about the existing garage and whether it was conforming.

Commissioner Anderson stated she had a concern about the drainage but after hearing the presentation feels better about the drainage issue but wants a city engineer review.

Commissioner Breazeale loves the house, but has concerns is about the green roof and the amount of credit given in the code. Green roofs have been in the code for a while, but none are currently in use in Minnetonka Beach. He did some research on green roofs and based on shoreland guidance he researched they aren't recommended in lake areas and particularly impaired waters, and they need maintenance. He asked how the city would deal with maintenance. He is concerned about green roofs providing 50% credit on hardcover.

Chair Haag stated that his recommendation would be that any decision made would be contingent on city engineer review.

Commissioner Moriarty asked Mr. Byers to explain the maintenance. Byers stated that the plant for the green roof is a sedum mix that is low growing, does need a watering system, mowing is not necessary, and plants are planted in a rubber membrane which catches the water. Plants might have to be replaced over time.

Zoning Administrator Carlson stated the commission could require conditions to meet the concerns. Commissioner Halverson discussed excess water that would drain off the roof creating phosphorus into the lake and a condition to the variance could be created for that.

Commissioners discussed tabling the item to the October planning meeting to hear from the city engineer and to learn more about green roofs and hardcover credits. Chair Haag asked commissioners about any concerns about the other variances. Breazeale brought up what appears to be a terrace in the front yard setback. Mr. Byers stated that he discussed this feature which is raised grass with the previous zoning administrator who stated that it wouldn't be a problem. Zoning administrator Carlson will review the email exchange between the applicants and Ben Gozola on this issue.

Commissioners discussed holding a special planning commission meeting so as not to delay the project. Unresolved issues include green roof and other drainage technology, hardcover credits, also now the potential front setback issue (if deemed a terrace).

(Howarth motion, Enlow second to call a special Planning Commission meeting with the city engineer to discuss unresolved issues; all ayes.) Motion passed.

Commissioners later decided to call the special meeting for Wednesday, October 3, 2018. In the meantime, applicants and their architects will meet with the city engineer as soon as possible.

7.1.A – Discussion on September planning meeting regarding Check subdivision

Commissioner Anderson stated that the planning commission recommended approving the minor subdivision and then at the city council meeting Council received a handout showing possible building pads. This handout was not made available to the planning commissioners at their meeting and Anderson wanted to discuss why the city council received different information and whether it would have made a difference to the planning commission deliberations.

Zoning administrator Carlson explained that the Check property was divided into two (vacant) lots and as such, calculating the AMLS is different if there are existing buildings on either side. He provided the diagram to commissioners showing what the setbacks would be depending on which lot was built first, assuming the existing sewer stays in place.

Anderson asked why he gave it to council but not planning, and while Carlson admitted that this information might have been helpful he reminded them they weren't deciding on a particular building plan, only whether the lot could be subdivided according to applicable ordinances.

Anderson thought the discussion would be a valuable learning tool, so they could better understand how setbacks work in a case like this. Commissioners discussed whether they could have put conditions on where homes could be built, however, zoning administrator Carlson stated that the city attorney's opinion is that land owners have rights to due process regarding land use subsequent to lot subdivisions. There

could have been private covenants, but the city would have to follow its variance and zoning code process. Carlson reminded commissioners that what they were considering was a lot subdivision and not a building permit so even if they had seen the later diagram, it wouldn't be relevant information for their decision-making process.

Commissioner Breazeale stated that whatever is presented to council should also be presented to the planning commission, and if there is a material change to the information it should go back to the planning commission.

They briefly discussed the issues of reconsidering AMLS and "specialized lakeshore setbacks" and that when Council reviewed the list of outstanding issues, this item was removed.

Resident Mathews (2643 Arcola Lane) asked about setbacks and which would apply, and that zoning code states the most restrictive would apply; lake or street. Carlson clarified how that would work and the most restrictive would apply.

7.2 – Public Hearing on Additional Speed Bumps

Chair Haag opened the public hearing on the latest recommended speed bumps at 9:15 p.m.

Administrator Griffin explained that there was a map in the packet and she handed out copies to the audience. She explained the map which showed existing speedbumps in blue, recently approved (but not yet installed) speed bumps in red, and the proposed locations which were the subject of the public hearing. It was further explained to the public that traffic calming was high on the list of transportation issues in a recent study.

Resident Bob Gillum asked if other methods of traffic calming have been studied. Commissioner Halverson stated that the city did hire a traffic engineer to help the commissioners come to their conclusions about speed bumps.

Resident Greg Meland doesn't want them by his house on Beach Lane. Resident Carole Knudsen explained why she thought they were necessary which had to do with people making illegal turns on to Beach Lane. Input from residents was that if speed bumps were put in placed on Beach Lane, they should be near the turn on to Beach from Lafayette Road, possibly just after Raisbeck's at 1937 Beach Lane rather than further down the lane. Chair Haag still plans to talk with public works director Brian Berent about his thoughts on locations as well.

Lee Goehring – 2423 Woodbridge – stated they currently have a permanent speed bump which is worn down not effective and asked that it be reassessed. It might need additional height or change it to a temporary one.

Commissioners discussed emailed comments that were received from the public. The next location discussed was Arcola Lane and all agreed that the best location on Arcola would be about 2532 Arcola.

Kathy Gillum stated she sees kids on motorized everything on the wrong side of road on Huntington Point Road near Woodwinds, and while she doesn't necessarily like speed bumps this is a problem area.

Commissioners discussed the proposed location Old Beach Road and then on Huntington Point Road E. This request came from a resident on Huntington Point Road E near 2315 Huntington Point. Consensus was that neither location generated enough concern, and there were residents against the Huntington Point Rd E location. There was also consensus to not recommend another speed bump on Old County Road at this time.

Chair Haag closed the public hearing at 9:38 p.m.

(Breazeale motion, Enlow second to recommend to the city council to add speed bump near 1937 Beach Lane pending review by public works director Brian Berent, and near 2532 Arcola Lane; all ayes.) Motion passed.

Chair Haag will follow up with Brian Berent on reassessing the ineffective bump at 2423 Woodbridge Road, and the others that were brought up, but the commission didn't act on at this time.

8. Reports

- 8.1. Chairperson – No additional report.
- 8.2. Commissioner Reports- No reports
- 8.3. Council Liaison Bartel reported on actions of September city council meeting
- 8.4. Staff – Griffin updated commissioners on the Planning and Zoning replacement process
- 8.5. Building Permit Report – Received and filed.

9. ADJOURNMENT

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

Meeting adjourned at 9:55 p.m.

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

Joe Polacek, Nell Mathews, Jim Knudsen, Carole Knudsen, Cathy & Jim Dudley, Mark Stankey, Peter Kluzak, Matt Byers from PLAAD, Lee & Lisa Goehring, Greg Meland, Janet Boschwitz, Betsy Myers, Jillian Moriarty, Alan Carlson, John Whitaker, Bob & Kathy Gillum, Wayne Ramaker.

Minutes respectfully submitted by City Administrator Susanne Griffin.

Susanne Griffin, City Administrator