



PLANNING COMMISSION MEETING MINUTES

April 25, 2016

7:00pm

1) Call to Order

Vice Chair Sandholm opened the meeting at 7:01 p.m.

In attendance: Commissioners – Vice Chair Sandholm; Peter Vickery, Michael Molitor, Sylvia Allen, Gary Pettis, and John Tschumperlin; Council Liaison Pam Mortenson; Staff: Community Development Director David Abel, Associate Planner Nick Olson and City Clerk Kris Linquist.

Absent: None

a) Approval of Agenda

Motion by Molitor, seconded by Allen to move item b) Election of Chair and Vice Chair for 2016 to the end of the meeting.

Motion passed 6-0.

Motion by Molitor, seconded by Vickery to approve the agenda with the exception of item b) being moved to the end of the meeting.

Motion passed 6-0.

b) Elect Chair and Vice Chair for 2016

Was moved to the end of the meeting.

Abel stated that that the City did receive written notice of resignation from Mark Heck effective immediately.

Motion by Vickery, seconded by Allen to nominate and approve Lora Sandholm as Chair for the remainder of the 2016 Planning Commission year.

Motion passed 6-0.

Motion by Vickery, seconded by Sandholm to nominate and approve Mike Molitor as Vice Chair for the remainder of the 2016 Planning Commission year.

Motion passed 6-0.

c) Approval of Minutes of March 28, 2016

Motion by Tschumperlin, seconded by Allen to approve the minutes from March 28, 2016 as presented.

Motion passed 5-0-1. Abstain: Sandholm

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

2) **Public Hearings:**

- a) **Serenity Hills of Lake Minnetonka, LLC has submitted various applications for the development of 70 condominium units and a community building. The applications are regarding the properties located at 6639 Bartlett Blvd (Mound) PID # 22-117-24-43-0007, 6701 County Road 110W (Minnetrista) PID# 22-117-24-43-0002, 6710 Halstead Avenue (Minnetrista) PID# 22-117-24-43-0042, and Address Unassigned (Minnetrista) PID# 22-117-24-43-0004.**

Community Development Director Abel presented the staff report found in the Planning Commission packet dated April 25, 2016.

- i) **COMPREHENSIVE PLAN AMENDMENT: Application to amend the comprehensive plan to allow for an increase in density from a maximum of 3.5 units/acre to 8 units/acre**

Highlights include:

- The applicant is requesting to build 60 condominium units within Minnetrista on roughly 10.3 acres of land.
- Current Designation is Residential Medium 2006 CPA
- Proposed Designation is Residential Medium
- In 2008, the city had approved a preliminary plat that included 36 units, several extensions were given the Preliminary Plat approval but the subdivision never got to Final Plat. That Preliminary Plat approval expired in 2011
- This development proposal went through a Concept/Sketch Plan Review in 2015. The senior living concept and the product being offered seemed to be welcomed at the time of the review.

- ii) **ZONING AMENDMENT: Application to adopt Ordinance 436 to rezone the properties from R-2 Low Medium Single Family Residence to PUD Planned Unit Development**

Highlights include:

- The applicant is seeking a rezoning to Planned Unit Development
- Due to the unique lot configuration and setbacks, use of privates roads, and association-maintained status of this development, a rezoning to PUD is the only viable way to develop this property as proposed.
- If Planning Commission recommends approval, staff is supportive of the rezoning to PUD. This will accommodate a unique housing style and type on this property and allow flexibility.

- iii) **PLANNED UNIT DEVELOPMENT PRELIMINARY PLAT: Application to develop 6 buildings (5 in Minnetrista & 1 in Mound) containing 70 condominium units (60 within Minnetrista & 10 with Mound) and a community building (located in Mound)**

Highlights include:

- The applicant has made an application for a 70 unit retirement condominium development that includes property both in the City of Minnetrista and the City of Mound.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- The applicant submitted a concept plan review during the fall of 2015 and the application was before the Parks Commission on September 5, 2015. The Parks Commission recommended that the Council accept the cash in lieu of land be required.
- The concept plan went before the Planning Commission on September 28, 2015. The Planning Commission recommended that Council direct the applicant to submit a preliminary plat application subject to the comments outlined in the staff report and associated attachments.
- The concept plan went before the City Council on October 5, 2015 for review. The City Council made a motion to direct the applicant to move forward with a preliminary plat application subject to the comments outlined in the staff report and associated attachments.
- City Council will consider if the preliminary plat is consistent with the findings of fact:
 1. The plat is consistent with the comprehensive plan or other similar plan;
 2. The plat does conform with existing zoning and subdivision regulations, and other applicable city code provisions or laws;
 3. The plat does not create conflict with existing easements;
 4. Adequate public infrastructure, including, but not limited to, roads, utilities, storm water systems, emergency services, schools, exist to support the additional development potential created by the plat;
 5. The additional development created by the plat does not increase traffic levels beyond the capacity of existing roads;
 6. The lots to be platted are configured to accommodate the proposed development to ensure compliance with zoning regulations, including, but not limited to the residential building design standards under subsection 505.07, Subd. 12;
 7. The plat is designed to mitigate potential negative impacts upon the environment, including, but not limited to, topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers and streams; susceptibility of the site to erosion and sedimentation; drainage; susceptibility of the site to flooding; and stormwater storage needs; and
 8. The plat is not detrimental to the health, safety, or general welfare of the public.
- If it is deemed that the request is suitable for a planned unit development, staff would recommend the following conditions of approval:
 1. The Applicant satisfy the comments made in the letter from Hennepin County dated March 2, 2016 regarding access, right-of-way, and permits;
 2. The Applicant address comments numbered 1 through 50 as stated in the memorandum from the City Engineer dated March 25, 2016 regarding the preliminary plat application;

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

3. The preliminary plat is subject to Minnesota State Fire code and review by the Chief of the Mound Fire Department;
4. A site plan will be required prior to the construction of any buildings;
5. A set of architectural guidelines be included with the site plan to ensure consistency with the preliminary plat application;
6. The applicant shall contribute a warning siren fee of \$64/unit at the time of final plat;
7. A park dedication fee in the amount of 15% of the appraised value of the land shall be paid at the time of final plat;
8. A sewer area charge of \$1,100/acre above the ordinary high water mark at the time of final plat;
9. A water area charge of \$8,700/acre above the ordinary high water mark at the time of final plat;
10. The applicant shall contribute \$229,500 to the tree replacement and environmental fund or provide a landscape plan showing 2,295 caliper inches of replacement;
11. The applicant shall comply with all of the rules, regulations, and permitting requirements of Hennepin County and MCWD;
12. All utilities for the proposed development shall be located underground;
13. Standard drainage and utility easements shall be provided around the boundaries of all lots and wetlands;
14. A developer's agreement must be executed before the final plat will go to the City Council;
15. The applicant shall be responsible for public improvements associated with the project as well as improving Halstead Avenue that runs east-west and including a water main along the entire street;
16. The applicant shall provide adequate title evidence satisfactory to the City Attorney prior to final plat approval;
17. Payment of all associated preliminary plat review shall be received by the City prior to acceptance of a final plat application; and
18. The applicant shall submit a completed application for final plat within one hundred eighty (180) days of date of adoption of resolution by the City Council.

Dan Andersen, Applicant - overviewed a power point presentation for Serenity. He stated that none of the units could be sold to anyone under the age of 60. Each unit would have two underground parking spaces with guest parking on ground level. It is considered a quiet community.

Sandholm questioned if the items in the Engineer and Hennepin County reports would be a problem to comply with. Andersen stated that they are already in the process of addressing many of the items in the reports.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Vickery inquired about the cost of each unit. Andersen stated that they are in the process of doing a market research right now but thought they would be in the \$700,000 - \$800,000 per unit range.

Vickery asked if this type of concept has been done anywhere else. Andersen stated that this is the first of its kind.

Tschumperlin asked if the developer was going to build a model pod. Andersen stated that they will put in the infrastructure first and not build all 7 pod units at one time. They are planning on building one at a time.

Wayne Stark, Stark Engineering, Sauk Rapids – overviewed the infrastructure of the storm sewer, drainage, and water. The stormwater holding ponds would be build pertaining to a two year rain event.

Pettis questioned if the stormwater holding ponds were sediment ponds. Stark stated that they would be and would be monitored twice a year for maintenance.

There was discussion on the drainage under Halstead Ave and the ditch to Halstead Bay.

Sandholm questioned if they had met with the neighbors. Andersen stated that they have held a neighborhood meeting at the Gillespie Center.

Molitor questioned if there would be a mechanism in place to ensure all buildings would be built. Abel stated that at the final plat phase, the city would enter into a developer's agreement and those items would be addressed. A site plan review would be required for every building and all the public infrastructure will be built prior to building.

Vice Chair Sandholm opened the Public Hearing for the Comprehensive Plan Amendment, Zoning Amendment, and the Planned Unit Development Preliminary Plat at 7:52 p.m.

Larry Frye, 6785 Manor Drive – liked the concept but had concerns about the amount of units and the hardcover.

Sheri Smith, 6685 Halstead Ave – had concerns with hardcover and run-off.

B.J. Johnson, 6675 Halstead Ave – felt that there were too many units for the development and had concerns with the height of the buildings and community center height.

Bud Groth, 6690 Co Rd 110W – had concerned with water issues and discussed culverts.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Robert Hurner, 6815 Cardinal Cove Dr. – had concerns about the trees along Cardinal Cove Dr. and about the walking path that would abut up to Cardinal Cove Dr. He also stated that there is a lot of traffic on Cardinal Cove Dr.

Katherine Hilk, 6800 Co Rd 110W – wanted to know where the property was going to be taken from for the turn lanes and what size the stormwater holding ponds were.

Barry Dorniden, Land Surveyor for Applicant, Duffy Engineering & Assoc. – questioned what would be happening with the County Road. Abel explained Hennepin County's intentions.

Hank Heystek, 6501 Bayridge Rd, Mound – read a letter that he had submitted. He had concerns of Halstead Ave connecting to Cardinal Cove Dr. and also with the sewer lines.

Bill Gleason, 6557 Bartlett Blvd, Mound – had concerns with the development and not being able to complete the full development.

Will Lapham, 6627 Bartlett Blvd, Mound – had concerns with the continuation of Halstead Ave going east into Mound.

Gen Olson, 6050 Co Rd 110 W – commented on the drainage of her property. She addressed the Indian Mounds that could potential be involved. She also had concerns about the entering her driveway off County Road 110 if the improvements were to be done. She also stated that she likes the concept and it is unique.

Vice Chair Sandholm closed the Public Hearing at 8:27 p.m.

i) Comprehensive Plan Amendment

Vice Chair Sandholm stated she thought the concept was very attractive.

Pettis commented on the density of previous projects. He liked the idea of the development including the neighborhood.

Molitor questioned if the Community Center would have living quarters. Andersen stated it a single level Community Center with no living quarters.

Motion by Pettis, seconded by Tschumperlin to recommend that the City Council approve the Comprehensive Plan Amendment as outlined in the Staff Report dated April 25, 2016
Motion passed 6-0.

ii) Zoning Amendment

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Molitor questioned if some of the hardcover could be reduced by possibly removing the driveway by the gazebo.

Pettis commented that reducing hardcover should be explored.

Motion by Vickery, seconded by Allen to recommend that the City Council adopt Ordinance 436 to rezone the properties from R-2 Low Medium Single Family Residential to PUD (Planned Unit Development) with the conditions outlined in the Staff report dated April 25, 2016 and two additional conditions of 1) Reducing as much hardcover as possible and still comply with safety standards and 2) Addressing the drainage between the two homes on Halstead Ave be more than sufficient. Motion passed 6-0.

iii) Planned Unit Development Preliminary Plat

Motion by Molitor, seconded by Vickery to recommend the City Council approve the request for a planned unit development preliminary plat subject to the conditions outlined in the staff report dated April 25, 2016 and associated attachments. Motion passed 6-0.

Vice Chair Sandholm called for a recess at 8:42 p.m.

Vice Chair Sandholm reconvened the meeting at 8:50 p.m.

b) CLASS III PRELIMINARY & FINAL PLAT: Application from Joseph & Derva Bocklage to subdivide the lot located at 3265 Eagle Bluff Road into two lots; R-1 Low Density Single Family Residence Zoning District; PID # 27-117-24-11-0011

Associate Planner Olson presented the staff report found in the Planning Commission packet dated April 25, 2016.

Highlights included in the presentation were:

- Applicants wish to subdivide the lot located at 3265 Eagle Bluff Road into two separate parcels. This lot was originally platted as part of Eagle Bluff 3rd Addition with a lot width variance at the road with Resolution 17-83.
- In 1987, the applicants combined the two lots into one lot, for tax purposes.
- In 1988, the applicants subdivided the lots back into two separate lots as originally platted in 1983. This action was approved with Resolution 82-88 with the lot width variance. A home was built right up to the 15 foot side yard setback. No foundation or grading as built surveys were required at the time.
- 1993, the applicants submitted a land use application to combine the lots into one lot. This was done through Hennepin County. It did not require City approval.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- On February 22, 2016, the applicants submitted a sketch plan review. As part of the proposal, the minimum lot width variance that has previously approved twice be upheld. They are also requesting a side yard variance of .7 feet due to an error in the placement of the foundation which was not caught due to the lack of a foundation as built survey requirement. All other subdivision and zoning requirements are being met.
- The applicants are submitting for Preliminary and Final Plat approval with the same plans as submitted with the sketch plan review. They are also requesting an easement vacation to vacate the easements that were not vacated when the lots were most recently combined.
- Staff has made the following findings of fact:
 1. The proposed subdivision is a division of property previously combined for tax purposes;
 2. The plat is consistent with the comprehensive plan or other similar plan;
 3. The plat does conform with existing zoning and subdivision regulations and other applicable city code provisions or laws not including the lot width at the street which was previously approved through variance by the City and the error in the foundation of the existing home on proposed Lot 2;
 4. The plat does not create conflict with existing easements;
 5. Adequate public infrastructure, including , but not limited to, roads, utilities, storm water systems, emergency services, schools, exist to support the additional development potential created by the plat;
 6. The road was designed with the understanding of the Property being two lots. The additional development created by the plat does not increase traffic levels beyond the capacity of existing roads;
 7. The new lot has been designed to accommodate a building pad large enough to allow for the construction of a home absent of a variance;
 8. The plat is designed to mitigate potential negative impacts upon the environment, including, but not limited to, topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers and streams; susceptibility of the site to erosion and sedimentation; drainage; susceptibility of the site to flooding; and stormwater storage needs; and
 9. The plat is not detrimental to the health, safety, or general welfare of the public.

Based on the information above, staff's recommendation would be for the Planning Commission recommend the City Council approve the preliminary and final plat based on the following comments/conditions:

1. Hardcover of Lot 2 must be reduced to under 25%;
2. Well servicing Lot 2 must be located on Lot 2;
3. Gazebo must be removed to avoid an encroachment into the side yard setback;

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

4. Existing stairway and dock must be removed/relocated as to not cross over the property line between Lot 1 and Lot 2;
5. Any applicable home owner's association documents shall be recorded to the title of the new lot being created including, but not limited, those pertaining to the maintenance of the road per the Home Owner's Association;
6. The office of the commissioner of the MN DNR does not object to the proposed easement vacation;
7. Any others as deemed appropriate by the Planning Commission; and
8. An approval resolution will not be released until evidence is provided to the city that all the above conditions have been met.

Molitor questioned if anything had changed since the last time this was presented to the Planning Commission except for the easement issue. Abel stated nothing had changed.

Chuck Alcon, Alcon Associates, 6138 76th Lane, Loretto, representing the applicant – is in favor of the staff report and available for any questions.

Vice Chair Sandholm opened the Public Hearing for both the Class III Preliminary & Final Plat at 8:54 p.m. No one was present to speak on the item.

Vice Chair Sandholm closed the Public Hearing for both the Class III Preliminary and Final Plat at 8:54 p.m.

Motion by Molitor, seconded by Pettis to recommend to the City Council to approve the preliminary and final plat application for a two lot subdivision of the property located at 3265 Eagle Bluff Road subject to the conditions outlined in the Staff report in the April 25, 2016 Planning Commission Packet. Motion passed 6-0.

c) ZONING AMENDMENT & PLANNED UNIT DEVELOPMENT PRELIMINARY PLAT: Application from Hartman Communities, LLC to adopt Ordinance 437 to Rezone from AP, Agricultural Preserve to PUD (Planned Unit Development) at 8000 County Road 110W, PID# 20-117-24-41-0001. The purpose of the Planned Unit Development rezoning request is to allow for an increase in density and flexibility from various city code standards.

Associate Planner Olson presented the staff report found in the Planning Commission packet dated March 28, 2016.

i. Zoning Amendment

Highlights included in the presentation were:

- In 2014, The Mader Family Trust contacted the City and the Minnehaha Creek Watershed District (MCWD) about their 77 acre parcel located at 8000 County Road 110 W.
- In September 2014, The City, MCWD and the Mader Family entered in a Memorandum of Understanding (MOU) regarding a wetland bank on the subject property.
- In April 2015, the City reviewed a sketch/concept plan for the proposed

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

site and that was well received.

- The Mader Family is very close to a Notice of Decision from the Technical Environmental Panel (TEP) on the restoration and establishment of a 40 acre wetland bank. The restoration would qualify the property as a “cluster development”.
- The Mader Family who restores the wetland is eligible to earn the wetland bank credits.
- The proposed project includes eleven large home sites ranging in size of 2.5 to 3.5 acres. The parcel is 79.37 acres and is proposing to have 41.56 acres of open space of which 19.96 would be considered useable.

ii. Planned Unit Development Preliminary Plat

- The vision for the project is a Conservation Subdivision and Wetland Restoration.
- A Homeowners Association (HOA) will be formed to own and maintain the open space areas as well as any infrastructure required to do so such as entrance monuments, storm water management improvements, community landscaping, mailboxes, etc.
- The City council will consider if the preliminary plat is consistent with the following findings of fact:
 1. The plat is consistent with the comprehensive plan or other similar plan;
 2. The plat does conform with existing zoning and subdivision regulations, and other applicable city code provisions or laws;
 3. The plat does not create conflict with existing easements;
 4. Adequate public infrastructure including, but not limited to, roads, utilities, storm water systems, emergency services, schools, exist to support the additional development potential created by the plat;
 5. The additional development created by the plat does not increase traffic levels beyond the capacity of existing roads;
 6. The lots to be platted are configured to accommodate the proposed development to ensure compliance with zoning regulations, including, but not limited to the residential building design standards under subsection 505.07, subd.12;
 7. The plat is designed to mitigate potential negative impacts upon the environment, including, but not limited to, topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers and streams; susceptibility of the site to erosion and sedimentation; drainage; susceptibility of the site to flooding; and stormwater storage needs; and
 8. The plat is not detrimental to the health, safety, or general welfare of the public.
- If it is deemed that the request is suitable for a planned unit development, staff would recommend the following conditions of approval:
 1. The Applicant satisfy the comments made in the letter from

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- Hennepin County dated April 7, 2016 regarding access, right-of-way, and permits;
2. The Applicant address comments numbered 1 through 34 as stated in the memorandum from the City Engineer dated April 20, 2016 regarding the preliminary plat application;
 3. A set of architectural guidelines be submitted to the city prior to final plat approval;
 4. The applicant shall contribute a warning siren to serve the area or pay a cash-in-lieu fee of \$64/unit at the time of final plat;
 5. A park dedication fee in the amount of \$35,250 shall be paid at the time of final plat;
 6. The applicant shall comply with all of the rules, regulations, and permitting requirements of Hennepin County and MCWD;
 7. All utilities for the proposed development shall be located underground;
 8. Standard drainage and utility easements shall be provided around the boundaries of all lots and wetlands;
 9. A developer's agreement must be executed before the final plat will go to the City Council;
 10. The applicant shall be responsible for public improvements associated with the project;
 11. The applicant shall provide adequate title evidence satisfactory to the City Attorney prior to final plat approval;
 12. Payment of all associated preliminary plat review fees shall be received by the City prior to acceptance of a final plat application; and
 13. The applicant shall submit a completed application for final plat within one hundred eighty (180) days of date of adoption of resolution by the City Council.

Tschumperlin questioned the access off of County Road 110 W. Abel explained that it meets Hennepin County minimum standards but not their desired standards.

Molitor commented on the access to Northview Dr.

Mortenson questioned if the speed limit could change through that area. Abel stated they are researching options with Hennepin County.

Terry Hartman, Developer – commented on the Hennepin County issues.

Vice Chair Sandholm opened the public hearing for both the Zoning Amendment & Planned Unit Development Preliminary Plat at 9:10 p.m. No one was present to speak on this item.

Vice Chair Sandholm closed the public hearing for both the Zoning Amendment and Planned unit development Preliminary Plat at 9:11 p.m.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Vickery questioned if the wetland restoration would proceed if the development did not go in. Abel stated that was the intent of the Mader Family.

i) Zoning Amendment

Motion by Vickery, seconded by Allen to recommend to the City Council to adopt Ordinance 437 requesting to rezone the parcel from AP to PUD for the Property located at 8000 County Road 110W.

Motion passed 6-0.

ii) Planned Unit Development

Molitor questioned if the neighbors were notified of the potential development.

Abel stated that property owners within 1000 feet were notified.

Motion by Tschumperlin, seconded by Vickery to recommend to the City Council to approve the preliminary plat for Waterset with the conditions in the staff report and access off County Road 110W being the preferred option, the applicant has submitted an alternative option for the street off of Northview Drive, that is satisfactory to the Commission should Hennepin County deny the preferred option.

Motion passed 6-0.

d) VARIANCE: Application from the Metropolitan Council for a front yard setback variance of 40 feet from the required 50 feet to a distance of 10 feet, a wetland setback variance of 57 feet from the required 75 feet to a distance of 18 feet, and a rear yard setback variance of 2 feet from the required 25 feet to a distance of 23 feet at 4340 Highland Road; C-2 Highway Service Business Zoning District; PID# 32-117-24-13-0005.

Associate Planner Olson presented the staff report found in the Planning Commission packet dated April 25, 2016. Highlights included in the presentation were:

- The applicant is requesting a Variance for the property located at 4340 Highland Road to allow for an upgraded MCES L-24 lift station structure.
- The aging infrastructure are scheduled for replacement.
- The applicant will be acquiring additional land from the neighboring parcel. The lot line adjustment is classified as a simple subdivision.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff has not received any comments regarding this request.
- Staff has made the following findings of fact:
 1. The Applicant proposes to use the property in the same manner that currently exists on the Property;
 2. The use of the Property is for a public service, which is in harmony with Minnetrista's zoning regulations;
 3. The use of the Property is an investment into the regional waste water system, which is a standard for developing communities as adopted by the comprehensive plan;
 4. Reusing the Property to replace an end of life lift station where

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- all the current infrastructure is connected is a reasonable use of the Property;
5. The Property does not conform to current lot size standards established by the C-2 zoning district;
 6. There are both wetlands and a gas line easement that constrain the Property to the proposed location; and
 7. Reusing the Property for an upgraded lift station will not alter the character of the locality.

Based on the above findings of fact, staff recommends approval of the front yard, rear yard, and wetland setback variances with the following conditions:

1. The Applicant obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
2. The proposed grading should maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
3. The Applicant is responsible for all fees incurred by the City in review of this application; and
4. The variance approvals are valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

Vice Chair Sandholm opened the Public Hearing for the Variance at 9:22 p.m. No one was present to speak on this item

Vice Chair Sandholm closed the Public Hearing at 9:22 p.m.

Motion by Allen, seconded by Pettis to recommend to the Council to approve a 40 foot front yard, 2 foot rear yard, and 57 foot wetland setback variance with conditions for a new L-24 Lift Station at 4340 Highland Road based on the findings of fact outlined in the staff report dated April 25, 2016.
Motion passed 6-0.

e) VARIANCE: Application from Joseph Burns for a side yard setback variance of 3.4 feet from the required 15 feet to a distance of 11.6 feet at 3407 Kings Point Road; R-1 Low Density Single Family Residence Zoning District; PID# 27-117-24-13-0011.

Associate Planner Olson presented the staff report found in the Planning Commission packet dated April 25, 2016. Highlights included in the presentation were:

- The applicant is requesting a 3.4 foot side yard setback variance for a second story addition.
- The home was originally built in 1957. There is a partial upper level on the home that would be expanded with the proposed addition.
- The need for the addition is to accommodate an additional bedroom for a growing family.
- Notices were sent out to all property owners within 500 feet. Staff has not received any comments regarding this request.
- Staff has made the following findings of fact:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

1. The proposed addition meets the intent and purpose of the city's zoning ordinance;
 2. The proposed addition will not alter the current use of the property;
 3. Single family homes are a permitted use in the R-1 zoning district and consistent with the Residential Low land use designation;
 4. The proposed addition will not significantly impact neighboring views;
 5. The proposed addition does not further clutter the shoreline;
 6. The existing home on the Property that is already within the side yard setback;
 7. Given the existing hardcover of the lot, it is most reasonable to build up rather than out; and
 8. It would be difficult to construct an addition to the property without the need of a variance
- Based on the above findings of fact, staff recommends approval of the side yard setback variance with the following conditions:
 1. The Applicant obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
 2. The proposed grading should maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
 3. The Applicant is responsible for all fees incurred by the City in review of this application; and
 4. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

Vice Chair Sandholm opened the public hearing for the Variance at 9:27 p.m. No one was present to speak on the item.

Vice Chair Sandholm closed the public hearing at 9:27 p.m.

Tschumperlin questioned the setback. Olson stated that the second story cantilevered over the setback.

Motion by Vickery, seconded by Molitor to recommend to the City Council approval of a side yard setback variance of 3.4 feet for a second story addition as requested by Joseph Burns at the property generally located at 3407 Kings Point Road.

Motion passed 6-0.

f) VARIANCE: Application from Minnetrista Baptist Church for a front yard setback variance of 33.2 feet from the required 35 feet to a distance of 1.8 feet at 4185 Highland Road; R-1 Low Density Single Family Residence Zoning District; PID# 32-117-24-12-0010.

Associate Planner Olson presented the staff report found in the Planning Commission packet dated April 25, 2016. Highlights included in the presentation were:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- The applicant has made a request for a variance from the required front yard setback of 35 feet at 4185 Highland Road for an addition that will allow for an elevator.
- The construction of the building is likely to have been around 1883 when the church began as a German Baptist Church. The church is currently located 22.9 feet from the right-of-way of Kennedy Memorial Drive and 25.9 feet from Highland Road.
- The applicant previously applied for and was granted a front yard setback variance of 15.8 feet from Highland Road in 1989. The variance was to accommodate a wheelchair ramp and front porch entrance. This request is for a front yard variance from Kennedy Memorial Drive for an addition to make the building more accessible and ADA compliant. The old ramp that was installed in 1989 will be removed but the front porch will remain.
- Notices were sent to all property owners within 500 feet of the subject property. Staff has not received any comments regarding this request.
- Staff has made the following findings of fact:
 1. The proposed addition meets the intent and purpose of the city's zoning ordinances;
 2. The use of the property is consistent with the current and guided land use;
 3. The proposed addition will not alter the current use of the property;
 4. The church was built prior to the adoption of city zoning regulations;
 5. The church is already located within the required front yard setback;
 6. There is an additional 20 feet of right of way between the curb and the proposed addition;
 7. The church is currently not ADA compliant and the proposed addition will bring the church up to ADA compliance; and
 8. The proposed addition is designed to match the existing architecture of the church.
- Based on the above findings of fact, staff recommends approval of the front yard setback variance with the following conditions:
 1. The Applicant obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
 2. The proposed grading should maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
 3. The Applicant is responsible for all fees incurred by the City in review of this application; and
 4. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

Molitor questioned if other options were considered.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Neil Weber, Weber Architects & Planners, Long Lake – commented that they considered all options and felt this one was the best option.

Vice Chair Sandholm commented on the 20 foot right-of-way.

Vice Chair Sandholm opened the public hearing for the Variance at 9:42 p.m. No one was present to speak on the item.

Vice Chair Sandholm closed the public hearing at 9:43 p.m.

Motion by Allen, seconded by Pettis to recommend to the City Council approve a front yard setback variance for a front entrance addition at 4185 Highland Road with conditions as outlined in the staff report.

Motion passed 6-0.

- g) CONDITIONAL USE PERMIT: Application from Hennepin County Emergency Management to construct a tower-based weather station at 8251 State Highway 7; A Agriculture Zoning District; PID# 32-117-24-13-0007.**

And

- h) CONDITIONAL USE PERMIT: Application from Hennepin County Emergency Management to construct a tower-based weather station at 301 Rolling Hills Drive; A Agriculture Zoning District; PID# 02-117-24-23-0001**

Associate Planner Olson presented the staff report found in the Planning Commission packet dated April 25, 2016. Highlights included in the presentation were:

- The applicant is requesting a Conditional Use Permit for tower based weather stations
- The HennepinWest Mesonet is a network of remote sensors which provide highly-accurate, near real-time measurements of weather, soil and water conditions.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff has not received any comments regarding this request.
- Staff has made the following findings of fact:
 1. The proposed tower-based weather stations is allowed by Conditional Use Permit in the Agriculture (A) Zoning District;
 2. The proposed tower-based weather station will serve a public purpose and help enhance emergency management for severe weather;
 3. The proposed use does not have an effect upon the health, safety, and general welfare of the city regarding the factors of noise, glare, odor, electrical interferences, vibration, dust or other nuisances;
 4. The proposed use does not pose any discernable fire or safety hazards;
 5. The proposed use does not change existing or anticipated traffic conditions or parking facilities on adjacent streets and land;

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

6. The proposed use does not have an effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, or character and integrity of the neighborhood;
 7. The proposed use does not have any added impact on governmental facilities or services, including roads, sanitary sewer, water and police and fire;
 8. The proposed use does not have an effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes, flood plains, or soils; and
 9. The request is consistent with the Minnetrista Comprehensive Plan.
- Staff recommends approval of a conditional use permit to allow for the installation of a tower-based weather station on the property located at 8251 Rolling Hills Drive and on the property located at 301 Rolling Hills Drive subject to the following conditions:
 1. The tower-based weather station must remain screened from view to the extent possible without reducing efficiency as approved;
 2. If the tower-based weather station is not in proper working order, has ceased functioning for a period of more than six months or has not been maintained, it must be deconstructed and removed from the property at which point the Planning Commission and the City Council shall review the Conditional Use Permit.
 3. The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
 4. The applicant shall be responsible for all fees incurred by the city in review of this application;
 5. The City may inspect the property, at any time, for the purposes of insuring the conditions of the Conditional Use Permit are being met;
 6. The City Council reserves the right to review and revoke the CUP upon violation of any term or condition; and
 7. Any other conditions deemed necessary by the Planning Commission.

Mortenson inquired where the funding was coming from for this project. Abel stated that Hennepin County was funding this project.

Dan Bovitz, Hennepin County, Applicant – reviewed what the sensors would do.

Pettis asked if there would be sirens on the towers. Bovitz stated there would not be sirens.

Tschumperlin questioned the access roads to the towers. Bovitz stated they would stay in their natural state. One parcel has a four-wheel access trail and the other one in its natural state.

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Allen questioned winter access. Bovitz stated they really would not be accessing them in the wintertime.

Vice Chair Sandholm opened the public hearing for the two locations for the Conditional Use Permit at 9:54 p.m. No one present to speak on this item.

Vice Chair Sandholm closed the public hearing at 9:54 p.m.

Motion by Vickery, seconded by Tschumperlin to recommend to the City Council to approve a Conditional Use Permit for a tower-based weather station at 8251 State Highway 7 with the conditions as outlined in the staff report.

Motion passed 5-0-1. Abstain: Pettis

Motion by Vickery, seconded by Tschumperlin to recommend to the City Council to approve a Conditional Use Permit for a tower-based weather station at 8251 State Highway 7 with the conditions as outlined in the staff report.

Motion passed 5-0-1. Abstain: Pettis

3) Informational Items:

a) Staff Reports – Community Development Director Abel

- Update on the Schmeling's lawsuit
- Need to work on the Riparian View Shed Ordinance
- Lot of Building Activity
- May 26th Visioning Session

b) Council Reports – Pam Mortenson

- Pioneer Sarah Creek – Manure Management Ordinance
- Steering Committee
- Trista Day

Molitor brought up Vacation Rental Ordinance

4) Adjournment

Motion by Molitor, seconded by Vickery to adjourn the meeting at 10:08 p.m.

Motion passed 6-0.

Respectfully Submitted,

Kris Linqvist

Kris Linqvist, CMC
City Clerk

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.