



## PLANNING COMMISSION MEETING MINUTES

May 23, 2016

7:00pm

### 1) Call to Order

Chair Sandholm opened the meeting at 7:00 p.m.

In attendance: Commissioners – Chair Sandholm, Vice Chair Michael Molitor, Sylvia Allen, Gary Pettis, and John Tschumperlin; Council Liaison Mark Vanderlinde; Staff: Associate Planner Nick Olson and City Clerk Kris Linqvist.

Absent: Peter Vickery – arrived at 7:04 p.m.

#### a) Approval of Agenda

Motion by Allen, seconded by Pettis to approve the agenda as presented.

Motion passed 5-0. Absent: Vickery

#### b) Approval of Minutes of April 25, 2016

Motion by Tschumperlin, seconded by Pettis to approve the minutes from April 25, 2016 as presented.

Motion passed 5-0. Absent: Vickery

Commissioner Vickery arrived at 7:04 p.m.

### 2) Public Hearings:

#### a) **VARIANCE: Application from Caryl Ann Morgan Rev Trust to reduce the required lakeshore setback from 75 feet to 25 feet for an addition to an existing deck on the property located at 4772 Crane Island, R-1 Low density single-family residence zoning district, PID# 36-117-24-23-0002.**

Associate Planner Olson presented the staff report found in the Planning Commission packet dated May 23, 2016. Highlights included in the presentation were:

- The applicant is requesting a Variance for the property located at 4772 Crane Island.
- The applicant purchased the property in February of 2016.
- The reason for the expansion of the deck is to accommodate a standard patio and chairs.
- The existing house is already within the 75 foot setback.
- The variance is for a 50 foot variance of the 75 foot setback regulation.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff received multiple emails in support of the variance.
- Staff has made the following findings of fact:

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1. The request is in harmony with the purpose and intent of the zoning code;
2. The request is consistent with the comprehensive plan;
3. Expanding an existing deck by 3 ft 4 inches to accommodate a patio table and chairs is reasonable;
4. The Applicant purchased the property in its existing condition with the home and deck in their current location;
5. The existing home and deck are already located within the required 75 foot lakeshore setback; and
6. Replacing an existing deck with one that is 3 feet 4 inches larger will not alter the character of the neighborhood.

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;
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; and
5. Any other conditions discussed by the Planning Commission.

Pettis asked for clarification of the request. Olson explained the intent of the application and that the existing home was built prior to current zoning regulations.

Caryl Morgan, 5808 South Drive, Edina, Applicant – was present for any questions.

Allen asked if the oak tree was staying. Ms. Morgan stated that they would be building the new deck around the 100 year old oak tree so that it will stay preserved.

Chair Sandholm opened the Public Hearing for the Variance at 7:07 p.m. No one was present to speak on this item

Chair Sandholm closed the Public Hearing at 7:07 p.m.

Motion by Allen, seconded by Tschumperlin to recommend to the Council to approve a lakeshore setback variance to reduce the required setback of 75 feet to 25 feet to expand an existing deck at 4772 Crane Island based on the finding of facts and contingent upon the conditions outlined in the staff report dated May 23, 2016.

Motion passed 6-0.

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**e) CODE TEXT AMENDMENT: Ordinance 438 Sober Homes.**

Associate Planner Olson presented the staff report found in the Planning Commission packet dated May 23, 2016.

Highlights included in the presentation were:

- The City sporadically deals with sober homes and similar types of treatment facilities.
- In past practice, the City chose to address the requests via conditional use permit.
- The City Council determined it is time to develop an ordinance to address sober homes and similar treatment facilities.
- A draft Ordinance was presented to the Planning Commission for review.

Tschumperlin questioned if the ordinance was approved, would sober homes still be required to obtain a Conditional Use Permit (CUP). Olson stated the homes would be processed on an administrative level so that the use would be associated with the property owner and not with the property as a CUP would be.

Tschumperlin questioned if the application process would change. Olson stated the city would use a general service application which is similar to a land use application but it would not grant rights to the property. There would be required submittals.

Tschumperlin questioned if they would be approved by city council. Olson stated that if the application was straight forward and there were no objections that it would most likely be handled on an administrative level.

Tschumperlin questioned the mailing radius to neighbors. Olson stated that State Statute requires a 350 foot mailing radius but with land use applications the city does send, as a courtesy, to a 500 foot radius.

Tschumperlin had questions about the 1,320 feet distance requirement. Olson stated that equates to a quarter mile. He stated that the ordinance was drafted by the City Attorney. The attorney looked at St. Paul, Minneapolis and Minnetonka's ordinance and created the draft ordinance based on what he found in those three ordinances.

Vickery questioned if someone didn't follow the new ordinance, what could be done. Olson stated that they could still fall under the Federal Law.

Molitor brought up that there was nothing mentioned in the ordinance regarding the number of residents per home. Olson commented that each application would be unique and would have to be evaluated as such. Molitor commented that he would like to see the ordinance setting parameters for bedrooms, bathrooms and parking for the number of people residing in the home.

There was some discussion on other types of facilities.

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There was discussion on where sober homes should be located and fit within the neighborhood character.

Pettis stated that he would like to see an ordinance with more grit in it.

Chair Sandholm opened the public hearing for the Code Text Amendment at 7:37 p.m.

Elizabeth Schreiner, 7530 Susan Lane, stated that she spoke with the local HUD director and the federal fair housing act only applies to housing not to a business. She commented that she liked the definition of sober home in the proposed ordinance.

Chair Sandholm closed the public hearing at 7:47 p.m.

Pettis commented would like to see St. Paul's ordinance before making a decision.

Chair Sandholm requested that the City Attorney be present at the next meeting to answer any questions that the planning commission may have.

Motion by Molitor, seconded by Pettis to table Ordinance 438 Sober Homes until the next planning commission meeting to allow staff to review the following requested items: 1) Notices to 500 feet for consistency 2) possibly setting a capacity amount for a home such as bedrooms, bathrooms, and parking 3) a process for complaints and 4) corrective actions.

Motion passed 6-0.

### **3) Informational Items:**

#### **a) Staff Reports – Associate Planner – Nick Olson**

- Trista Day
- Thursday, May 26 – Comprehensive Plan Visioning Meeting
- Next Comp Plan meeting is before next Planning Commission in June

#### **b) Council Reports – Mark Vanderlinde**

- Water Treatment Project is on schedule
- Mader Property development

### **4) Adjournment**

Motion by Vickery, seconded by Allen to adjourn the meeting at 8:10 p.m.

Motion passed 6-0.

Respectfully Submitted,

*Kris Linqvist*  
Kris Linqvist, CMC  
City Clerk

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