



PLANNING COMMISSION MEETING MINUTES

July 25, 2016

7:00pm

1) Call to Order

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

In attendance: Commissioners – Chair Lora Sandholm, Vice Chair Michael Molitor, Peter Vickery, Sylvia Allen, and John Tschumperlin; Council Liaison Lisa Whalen; Staff: Associate Planner Nick Olson, and City Clerk Kris Linquist.
Absent: Gary Pettis

a) Approval of Agenda

Motion by Molitor, seconded by Vickery to approve the agenda as presented.
Motion passed 5-0. Absent: Pettis

b) Approval of Minutes of June 27, 2016

Motion by Vickery, seconded by Tschumperlin to approve the minutes from June 27, 2016 as presented.
Motion passed 5-0. Absent: Pettis

2) Public Hearings:

a) **VARIANCE: Application from Dale & Sue Klous for a front yard setback variance from Maple Forest to reduce the required setback from 35 feet to 20 feet for a new garage and mudroom at 5885 Loring Drive; R1 Low Density Single Family Residence Zoning District; PID# 35-117-24-12-0015.**

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

- The applicant is requesting a Variance for the property located at 5885 Loring Drive.
- The applicants are requesting a variance to reduce the required front yard setback from 35 feet to 20 feet for a new garage and mudroom addition. The front setback variance request is from Maple Forest.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff did not receive any correspondence in regards to the application.
- Staff has made the following findings of fact:
 1. The property to the south was not developed when the home was built in 1977;
 2. The home complied with the required setback of 15 feet from the south property line when it was built;

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3. Right-of-way on the plat of Maple Forest Addition has increased the required south property line setback from 15 feet to 35 feet;
4. The increase in required setback made the existing home non-conforming;
5. The proposed project does not encroach further into the required setback; and
6. The large amount of right-of-way to the south keeps the home well away from the edge of Maple Forest.

Based on the above findings of fact, staff recommends approval of the front yard setback variance with the following conditions:

1. The Applicants obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
2. Any required grading should maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
3. The Applicants are responsible for all fees incurred by the City in review of this application;
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; and
5. Any other conditions discussed by the Planning Commission.

Randy Buffie, Architect for Klous - commented on the rear access for the driveway.

Molitor had questions about the existing driveway. Buffie commented the homeowners would keep the existing driveway to be used by family and friends and would not be used on a daily basis.

Sue Klous, Applicant – commented that the only issue she has is with the slope of the existing driveway in the wintertime.

Vickery questioned staff about the two driveways. Olson stated the City had no concerns with it.

Chair Sandholm opened the Public Hearing for the Variance at 7:13 p.m. No one was present to speak on the variance request.

Chair Sandholm closed the Public Hearing at 7:13 p.m.

Motion by Vickery, seconded by Allen to recommend to the Council to approve a front yard setback variance from Maple Forest to reduce the required setback from 35 feet to 20 feet for a new garage and mudroom at 5885 Loring Drive based on the finding of facts and contingent upon the conditions outlined in the staff report dated July 25, 2016.

Motion passed 5-0. Absent: Pettis

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b) VARIANCE: Application from Preferred Builders, Inc. for an after the fact variance to the required front and side yards at 1155 Cove Circle; R1 Low Density Single Family Residence Zoning District; PID# 12-117-24-24-0016. The request is to reduce the front setback from previously approved 20 feet to 18.6 feet. The request is also to reduce the required north side yard setback from 15 feet to 14.6 feet and reduce the required south side yard setback from 15 feet to 14.4 feet, which were not previously approved.

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

Highlights included in the presentation were:

- The applicant is requesting an After the Fact Variance for the property located at 1155 Cove Circle
- The applicant applied for and was granted a variance to reduce the required front yard setback from 35 feet to 20 feet in 2014.
- The Applicant submitted an as built survey to verify compliance with setbacks and elevations. This was submitted and approved on February 26, 2015.
- After completion of the foundation, the applicant hired the Alexander Design Group to fit a new home on the existing foundation to make the home more appealing, according to the applicant, the previous building official (MNSpect) ok'd the work as long as the foundation did not change. There are no city records to this change.
- Several rough in inspections were completed in April of 2015 under the previous building official (MNSpect).
- Since the city was not notified of plan changes, inspections continued using the revised plans.
- In order to receive a certificate of occupancy, one of the final review requirements, is approval of the grading as built survey. During review, staff noticed the setbacks did not comply with either the initial or foundation surveys.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff did not receive any correspondence in regards to the application.
- Staff has made the following findings of fact:
 1. The existing home is in general compliance with the city's zoning ordinance and previously approved variance;
 2. The existing home is in line with the goals and objectives of the city's comprehensive plan;
 3. The variance requests are the minimum needed to alleviate the deviation;
 4. It is unreasonable to expect the Applicant to demolish a portion of the house in order to comply with setbacks;
 5. The existing home maintains similar setbacks to the homes on either side of the Property;
 6. The size and aesthetics of the home is consistent with other homes within the neighborhood; and
 7. There has been no issues or complaints from neighbors during or

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after construction.

Based on the above findings of fact, staff recommends approval of the side yard 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;
1. The proposed grading should maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
2. The Applicant is responsible for all fees incurred by the City in review of this application;
3. Maximum driveway widths are 24 feet within the right-of-way; and
4. Any other conditions discussed by the Planning Commission.

Dave Francen, Preferred Builders – stated he would be available for questions.

There was discussion about the conduct of how the issue took place.

Molitor commented that the builder should have known better and that they should have known that they should have come back to the Planning Commission.

Chair Sandholm opened the public hearing for the variance at 7:23 p.m. No one was present to speak on the variance.

Chair Sandholm closed the public hearing at 7:23 p.m.

Molitor questioned the fee process and if there is an After the Fact fee for the City of Minnetrista. Olson stated that he could not find anything in the fee schedule.

There was discussion on implementing an After the Fact fee and that it would be best done when the fee schedule is reviewed.

Motion by Molitor, seconded by Sandholm to recommend to the Council to review and possibly add an After the Fact fee to the Fee Schedule.
Motion passed 5-0. Absent: Pettis

Motion by Sandholm, seconded by Tschumperlin to recommend to the Council to approve an After the Fact Variance to the required front and side yards at 1155 Cove Circle based on the finding of facts and contingent upon the conditions outlined in the staff report dated July 25, 2016.
Motion passed 4-1. Opposed: Molitor Absent: Pettis

c) CODE TEXT AMENDMENT: The City of Minnetrista will consider Ordinance 440, opting out of the requirements per MN Statutes, Section 462.3593 regarding temporary family healthcare dwellings.

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

Highlights included in the presentation were:

- A bill creating a new process for local governments to permit certain types of recreational vehicles as temporary family dwellings was signed into law by Gov. Dayton on May 12, 2016.
- The main stated motivation behind the new law is to provide transitional housing for seniors. For example, if a family wanted to keep a close eye on grandma while she recuperates from surgery, they could have grandma stay in a temporary family health care dwelling in the yard or driveway.
- Local governments may opt out of this program if they determine that this type of expedited land use permitting for temporary dwellings is not well-suited to their community. Many communities have communicated that property owners in their jurisdiction have adequate access to a permit for this type of use through existing local land use controls and permitting authority.
- Cities must pass an ordinance or opt out. To be clear, unless a city chooses not to participate in this program by passing an ordinance specifically opting out, the law will require the city to issue permits to qualified applicants starting on September 1, 2016.
- This was discussed at the City Council Work Session meeting on June 20, 2016. Council concluded that it would be best to opt out of the temporary dwelling legislation and directed staff to draft an ordinance accordingly.

There was further discussion if they would be allowed in certain zoning districts.

Mayor Whalen explained that there was a time frame associated with the opt-out provision.

Chair Sandholm opened the public hearing for the code text amendment at 7:42 p.m.

No one was present to speak on the Ordinance.

Chair Sandholm closed the public hearing at 7:42 p.m.

Motion by Vickery, seconded by Tschumperlin to recommend to the City Council to approve the Proposed Ordinance 440 relating to Temporary Family Health Care Dwellings.

Motion passed 5-0. Absent: Pettis

Motion by Sandholm, seconded by Allen to recommend that the Council allow this or something similar in certain zoning districts.

Motion passed 3-2. Opposed: Vickery and Molitor.

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3) Informational Items

a) Staff Reports – Associate Planner – Nick Olson

- Serenity Hill Preliminary Plat approved
- Waterset Final Plat approved
- Sober Home Ordinance approved

b) Council Reports – Lisa Whalen

- Discussed Ordinance for Riparian View Shed
- Budget Process
- August 1, 2016 Council meeting cancelled – No Quorum
- Bus Tour
- Election Filing begins August 2, 2016

5) Adjournment

Motion by Allen, seconded by Vickery to adjourn the meeting at 7:54 p.m.

Motion passed 5-0 Absent: Pettis

Respectfully Submitted,

Kris Linqvist

Kris Linqvist
City Clerk

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