



PLANNING COMMISSION MEETING MINUTES

August 22, 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, and John Tschumperlin; Council Liaison Pam Mortenson; Staff: Associate Planner Nick Olson, and City Clerk Kris Linqvist.
Absent: Sylvia Allen, Gary Pettis

a) Approval of Agenda

Motion by Vickery, seconded by Tschumperlin to approve the agenda as presented.

Motion passed 4-0. Absent: Allen, Pettis

Approval of Minutes of July 25, 2016

Motion by Tschumperlin, seconded by Molitor to approve the minutes from July 25, 2016 as presented.

Motion passed 4-0. Absent: Allen, Pettis

2) Public Hearings:

a) **VARIANCE: Application from Thomas & Ashley Ronning for a Front Yard Setback Variance to reduce the required setback from 60 feet to 38.7 feet for a detached garage at 9390 County Road 26; A Agriculture Zoning District; PID# 06-117-24-24-0003.**

Associate Planner Olson presented the staff report found in the Planning Commission packet dated August 22, 2016. Highlights included in the presentation were:

- The applicant is requesting a Variance for the property located at 9390 County Road 26.
- The home is already non-conforming, in order to add a detached garage would require a variance
- Notices were sent out to all property owners within 500 feet of the subject property. Staff did receive one positive correspondence in regards to the application.
- Staff has made the following findings of fact:
 1. The property is non-conforming with regards to lot size;
 2. The existing home is non-conforming with regards to the rear yard setback requirement. Adding additional garage space to the home

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- would also require a variance;
3. The proposal is consistent with the purposes and intent of the city's zoning ordinances;
 4. The proposal follows the guiding land use principles of the city's comprehensive plan;
 5. The proposed location maintains the current design and views of both the Property and the neighborhood;
 6. Wetlands, heavy woods, and steep topography limit the possible locations for the detached garage; and
 7. The septic system eliminates the open space on the property from consideration.

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.

Tschumperlin questioned if there were any line of sight issues. Olson stated that there should not be an issue.

Chair Sandholm opened the Public Hearing for the Variance at 7:05 p.m. No one was present to speak on the item.

Chair Sandholm closed the Public Hearing at 7:05 p.m.

Vickery had concerns with the speed limit on County Road 26

Motion by Molitor, seconded by Sandholm to recommend to the Council to approve a front yard setback variance to reduce the required setback from 60 feet to 38.7 feet for a detached garage at 9390 County Road 26 based on the finding of facts and contingent upon the conditions outlined in the staff report dated August 22, 2016.

Motion passed 4-0. Absent: Allen, Pettis

- b) CLASS III SUBDIVISION PRELIMINARY & FINAL PLAT with VARIANCE: Application from Lake West Development, Inc. for a 2 lot subdivision at 4925 Minneapolis Avenue, R1 Low Density Single Family Residence Zoning District; PID# 12-117-24-41-0009. The subdivision requires a variance from the required lot width of 100 feet. Both lots will be at least 76 feet wide measured at the 35 foot streetside building setback line.**

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Associate Planner Olson presented the staff report found in the Planning Commission packet dated August 22, 2016.

Highlights included in the presentation were:

- The applicant is proposing to subdivide 4925 Minneapolis Avenue into 2 lots.
- The property does not have sufficient lot width on the streetside to be subdivided and thus requires a variance from this requirement.
- In 2002, an identical subdivision was applied for and denied by Resolution Number 106-02.
- Staff reviewed previous finding of facts from 2002 and determined they are still applicable today.
- The variance request needs to be addressed first and if approved, then the subdivision should be considered.
- The Parks Commission reviewed and determined that there would not be sufficient land acquired to establish a city park at their August 10, 2016 meeting. Park Commission recommends that the City Council require cash in lieu of land for the park dedication requirement for subdivision of 4925 Minneapolis Avenue. Motion passed 5-0.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff did not receive any formal correspondence in regards to the application but did received phone inquiries.
- Staff gave three options for the Planning Commission to consider:
 - A. Recommend the City Council deny the requested subdivision with Variance;
 - B. Recommend the City Council approve the requested subdivision with variance; or
 - C. Table the requested subdivision with variance for further review.
- If recommended denial, Staff has made the following findings of fact:
 1. The Property currently conforms to all requirements of the city's lot size requirements;
 2. Reasonable use of the Property exists without a subdivision;
 3. Subdivision of the Property has been denied previously by Resolution Number 106-02. The findings of fact determined by that resolution are still applicable;
 4. The need for a variance is solely based on the Applicant's desire to subdivide the Property;
 5. The proposed subdivision will further clutter the shoreline, which is inconsistent with the city's comprehensive plan;
 6. Allowing for subdivision of the Property would negatively impact the adjoining property owner's lake views; and
 7. Without approval of a variance, subdivision of the Property is not possible.

Tschumperlin questioned what had changed since 2002. Olson stated that the request appears to be the same.

Chair Sandholm opened the public hearing for the subdivision at 7:11 p.m.

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Ralph Harrison, 4935 Grand View Avenue spoke against the proposed subdivision.

Chair Sandholm closed the public hearing at 7:14 p.m.

There was discussion on the process of taking action on the variance first and then proceeding with the subdivision.

Motion by Molitor, seconded by Tschumperlin to recommend to the Council to deny the requested subdivision with variance based on the finding of facts outlined in the staff report dated August 22, 2016.

Motion passed 4-0. Absent: Allen, Pettis

c) CLASS III SUBDIVISION PRELIMINARY PLAT & FINAL PLAT with VARIANCE: Application from Lake West Development, Inc. for a 2 lot subdivision at 5310 Eastview Avenue, R1 Low Density Single Family Residence Zoning District; PID# 12-117-24-24-0012. The subdivision requires a variance from the required lot width of 100 feet. One lot is about 50 feet wide and the other is about 40 feet wide, measured at the 35 foot streetside building setback line.

Associate Planner Olson presented the staff report found in the Planning Commission packet dated August 22, 2016.

Highlights included in the presentation were:

- The applicant is proposing to subdivide 5310 Eastview Avenue.
- The property does not have sufficient lot width on the streetside to be subdivided and thus requires a variance from this requirement.
- In 1998-99, a very similar subdivision was applied for and denied by Resolution No. 1-99.
- If this subdivision was granted, it would create further create variances.
- The variance request needs to be addressed first and if approved, then the subdivision should be considered.
- The Parks Commission reviewed and determined that there would not be sufficient land acquired to establish a city park at their August 10, 2016 meeting. Park Commission recommends that the City Council require cash in lieu of land for the park dedication requirement for subdivision of 5310 Eastview Avenue Motion passed 5-0.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff has met with two neighbors expressing concerns over the possible subdivision. Staff did receive one written comment.
- Staff gave three options for the Planning Commission to consider:
 - A. Recommend the City Council deny the requested subdivision with Variance;
 - B. Recommend the City Council approve the requested subdivision with variance; or
 - C. Table the requested subdivision with variance for further review.
- If recommended denial, Staff has made the following findings of fact:
 1. The Property is currently a legal lot of record;

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2. The Property currently contains an existing single family home;
3. Reasonable use of the Property as a single family home exists without a subdivision;
4. Subdivision of the Property will likely require future variances to establish building pads;
5. The need for a variance is solely based on the Applicant's desire to subdivide the Property;
6. The proposed subdivision will further clutter the shoreline, which is inconsistent with the city's comprehensive plan;
7. Allowing the subdivision of the Property would negatively impact the adjoining property owner's lake views; and
8. Without approval of a variance, subdivision of the Property is not possible.

Tschumperlin questioned the definition of the bluff from 1998-99. Olson explained that the DNR did visit the site back in 1998-99 and determined that there was a bluff on the property.

Vickery had questions regarding the Riparian View Shed. Olson stated that there are two tests to determine the setback with Riparian View.

Ben Wickstrom, Lakewest Development (applicant) – commented that the bluff no long meets the bluff requirements.

There was discussion on the existing home and that it would be torn down.

Chair Sandholm opened the public hearing for the subdivision at 7:30 p.m.

Richard Bergquist, 5320 Eastview Avenue – stated that he has lived in house prior to 1998 and nothing with the proposed property has changed since then. He has concerns with the bluff line. He requested that the Planning Commission deny the request.

Councilmember Mortenson commented that the DNR made the determination of the bluff in 1998. She questioned who has now determined that it is not. Olson stated that the burden was put on the applicant to prove that it is not a bluff.

Mike Hoh, 5421 Eastview Avenue – commented that he is opposed to the subdivision.

Tom Notch, 1250 Morningview Drive – commented on the bluff issue, the existing congestion of the neighborhood, and had concerns of more variances in the future that would be required if the proposal went through. He is opposed to the subdivision.

Jeff Griffith, 5330 Eastview Avenue – had concerns with the cul-de-sac and snow removal in the winter. He is opposed to the subdivision.

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Mark Grieger, Coldwell Banker Burnet (representing the owner of the property) – spoke on why the owners want to do this. He stated that it had to do with economics and the fact they are paying \$18,000 a year in taxes on the parcel.

Iris Hecker, 1240 Morningview Drive – stated that there is no place to put snow in the winter. She has concerns with the quality of the Lake. She is opposed to the subdivision.

Chris Griffith, 5330 Eastview Avenue – made comments about the proposed second home and how it would be hanging over the bluff. She is opposed to the subdivision.

Richard Bergquist, 5320 Eastview Avenue – stated that there is not a hardship to the owners.

Paul Schmeling, 5115 Minneapolis Avenue – had questions on the Riparian View Shed.

Chair Sandholm closed the public hearing at 7:52 p.m.

There was discussion about the variance leading to more variances in the future.

Motion by Molitor, seconded by Tschumperlin to recommend to the City Council to deny the requested subdivision with variance based on finding of facts outlined in the staff report dated August 22, 2016.

Motion passed 4-0. Absent: Allen, Pettis

d) ORDINANCE 442: An ordinance amending Section 510.05 Floodplain Management

Associate Planner Olson presented the staff report found in the Planning Commission packet dated August 22, 2016.

Highlights included in the presentation were:

- Adoption of this ordinance is required in order to incorporate the Flood Insurance Study, Hennepin County, MN and Incorporated Areas and the accompanying Flood Insurance Rate Map (FIRM) panels with an effective date of November 4, 2016.
- Prior to November 4, 2016, the City is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations by the effective date of the FIRM
- Staff has worked with the MN DNR to draft an ordinance that meets the standards of Paragraph 60.3(d) of the NFIP regulations (44 CFR 59, etc.)
- Adoption of the ordinance 442 is required to continue participating in the NFIP.

Chair Sandholm opened the public hearing for the Ordinance at 8:02 p.m.
No one was present to speak on this item.

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Chair Sandholm closed the public hearing at 8:02 p.m.

Motion by Sandholm, seconded by Tschumperlin to recommend to the city council to approve Ordinance No. 442 amending section 510.05 Floodplain Management.

Motion passed 4-0. Absent: Allen, Pettis

3) Informational Items

a) Staff Reports – Associate Planner – Nick Olson

- Upcoming Planning Commission Agenda

b) Council Reports – Pam Mortenson

- 2017 Budget
- Lisle Park Parking Lot Improvement
- WeCAN fundraiser – Guns vs. Hoses
- Steering Committee

Molitor commented on the handout from Arlette Ploen about Vacation Rental Property. He recommended to look into a Vacation Rental Property ordinance.

5) Adjournment

Motion by Vickery, seconded by Tschumperlin to adjourn the meeting at 8:12 p.m.

Motion passed 4-0. Absent: Allen, Pettis

Respectfully Submitted,

Kris Linquist

Kris Linquist
City Clerk

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