

**PLANNING COMMISSION MEETING MINUTES**  
**September 27, 2010**  
**7:00 p.m.**

**1) Call to Order**

Commission members present: Chair Heck, Pollmann, Watson, Strandell, Sandholm and Stulberg.  
Commission members absent: Guy Warner. Staff present: Senior City Planner Breanne Rothstein, Assistant City Planner David Abel, and Council Liaison Cheryl Fischer.

**a) Approval of Agenda**

The Planning Commission adopted the agenda by unanimous consent.

**b) Approval of Minutes**

Motion by Stulberg and second by Sandholm to approve the minutes from the August 23, 2010 Planning Commission meeting as presented. Motion carried 5-0-1. (Watson abstaining)

**2) Public Hearings:**

**a) VARIANCE – Application from Pat & Leanne Furey for a lakeside setback variance from the required 75 feet to 33.2 feet to add an addition onto the existing home at 3396 Kings Point Road, R-1 Zoning – PID 27-117-24-13-0008.**

Abel stated the applicants are seeking a lakeside setback variance from 75-feet to 33.2-feet from Section 505.15 Subd. 2 the R-1 Residential Zoning District. They are proposing to construct a garage addition with living space above it on their existing home located at 3396 Kings Point Road. The existing home was constructed in 1961 and is considered a legal non-conforming structure as it does not meet current City Ordinance setback requirements from the ordinary high water (OHW) mark of Lake Minnetonka. The existing dwelling is setback 34.5 feet from the OHW. In order to construct their proposed additions the applicants are requesting a lakeside setback variance from 75-feet to 33.2-feet. Abel presented the variance criteria per the report dated 9/27/10. Staff felt the applicant's proposal was reasonable. It would not be detrimental to the public safety health or welfare or injurious to other property; the actual building footprint that is being increased is being done in the conforming area of the lot towards the street side of the property. The hardship in this case is the location of the home in relation to the lot lines. The unique circumstance with this property is the pie shaped lot and the distance from the ordinary high water mark to the location of the home. Granting of the variance would not vary the provision of the comprehensive plan, or violate the procedural requirements of this section. NO new structural coverage or hardcover will be added as a result of this addition. Abel stated there were letters for the Commission's review with comments for this variance; all were in favor of the variance except for one.

Pat Furey (3396 Kings Point Road) stated every home out there would require a variance. He stated they want to improve what they have and go up a level. He stated the neighbors who are immediately to the right were available in the audience for questions.

Leanne Furey stated they would rather keep the home compact rather than spread out further and that is why they are choosing to add up.

Chair Heck opened the hearing at 7:14 p.m.

Edward Hentges (3399 Kings Point Road) felt the plans make sense and they did a good job designing the addition. He stated they have no objections.

Chair Heck closed the public hearing at 7:15 p.m.

Chair Heck stated his concern was that there would be minimal change in the existing footprint. It was noted the deck on the second floor would be a foot closer to the water and it is only on the upper level. Watson questioned if there were no other non conformed properties in the neighborhood would staff's recommendation be the same. Abel stated they examine variances on case by case basis and stated this is a unique parcel and he would recommend approval even if there were no other variances in the neighborhood.

Motion by Pollmann and second by Strandell to recommend to City Council approval of the variance application from Pat & Leanne Furey for a lakeside setback variance from the required 75 feet to 33.2 feet to add an addition onto the existing home at 3396 Kings Point Road, R-1 Zoning – PID 27-117-24-13-0008. Motion carried 6-0-0.

**b) CODE TEXT AMENDMENT – Consider amending Sections 505.17, 505.19, and 505.21 (R-2, R-3, and R-4 Residential Zoning Districts, respectively) to come into compliance with the Minnetrista Comprehensive Plan with regard to lot sizes, density, and performance standards.**

Rothstein stated the intent of this ordinance amendment is to bring the medium density zoning district categories into compliance with the recently adopted Comprehensive Plan. The changes contained within the draft ordinance seek to incorporate standards for density, lot size and width and setbacks that achieve the required densities called forth in each district with the Comprehensive Plan. A letter was mailed to those property owners who own property that is currently zoned R-2, R-3, or R-4 Residential on September 20, 2010 notifying them of this meeting. A copy of the letter was in the packet dated 9/27/10. Rothstein pointed out the R2, R3, and R4 residential parcels.

Rothstein presented the changes made to bring the zoning districts into compliance with the Minnetrista Comprehensive Plan per the report dated 9/27/10.

- R-2, R-3, and R-4 properties are all located in future CPA 2006 Overlay District, but currently are not zoned as such
- The only R-3 property that has not been developed is Halstead Pointe (but is part of 2006 CPA)
- The only R-4 property is located in Woodland Cove PUD rezoning (could be rezoned R-3)

Rothstein presented the CPA 2006 Overlay District. She presented the options available to the Planning Commission per the packet dated 9/27/10.

Strandell questioned how staff would feel about not being compliant with the Metropolitan Council. Rothstein stated all parcels except 2 are subject to the 2006 Comprehensive Plan but

the zoning requirements to not meet those density requirements. The Metropolitan Council wants the zoning to match the Comprehensive Plan from 2009. Rothstein stated once the official controls are in place the Metropolitan Council is looking at the net numbers.

Stulberg did not recommend rising non-compliance. He questioned if R-4 is eliminated should R-5 become R-4. Staff stated she can look into that. Chair Heck agreed with the wording that sidewalks “may” be required on both sides.

Chair Heck opened the public hearing at 7:51 p.m.

Timothy Nichols(6096 150<sup>th</sup> Street, Prior Lake) stated he was entrusted by Mr. Pint to give input. He stated this amendment is embraced by Mr. Pint if the density issues are resolved. Rothstein clarified he is with the Halstead Pointe property. Mr. Nichols stated the City of Mound is talking about increasing density on the parcel in their city; however he would like the flexibility with the Minnetrista property.

Dean Bailey (1055 Co. Rd. 19) stated he is not in favor of adding another four parcels on his property because it would require clear cutting. He recommended leaving sidewalks on both sides. Rothstein stated his parcel is staying R-2 but the density is increasing. Mr. Bailey recommended a density of 2 to 5 units per acre. Pollmann questioned if the city could put the parcels by Mr. Bailey together and make a smaller comprehensive plan for those parcels. Rothstein stated individual parcels have individual needs that are looked at when the plat comes to the city.

Chair Heck closed the public hearing at 8:12 p.m.

Rothstein recommended approving the ordinance and then taking a look at what the city wants to do with the 2006 parcels and looking at the overlay. Pollmann felt the parcels needed to be looked at individually. Rothstein felt it would be difficult to look at the parcels individually and not knowing if some of the parcels will combine. Rothstein stated some cities put together a master plan for an area.

Chair Heck recommended adding the verbiage on density to state “up to” for the maximum.

Motion by Chair Heck and second by Watson to recommend to City Council approval of Ordinance 387 amending Sections 505.17, 505.19, and 505.21 (R-2, R-3, and R-4 Residential Zoning Districts, respectively) to come into compliance with the Minnetrista Comprehensive Plan with regard to lot sizes, density, and performance standards and staff to bring back a 2006 comprehensive plan overlay district for discussion. Motion carried 6-0-0.

**c) ADMINISTRATIVE EXCAVATION/FILL – Application from Pat Shea to construct a second driveway at 1140 Cove Circle, R-1 Zoning – PID 12-117-24-21-0052.**

Abel stated the applicant made an excavation fill administrative permit application to add a second driveway to the property located at 1140 Cove Circle. The property is located within 1000 feet of the ordinary high water mark thus is in the shoreland overlay district. The fill or

excavation of more than 10 cubic yards within the shoreland district requires an excavation/fill permit from the city. Section 415 – Excavation Subd. 4. Allows for an administrative permit to be granted for normal customary landscaping, independent of the amount of material involved, in the vicinity of an existing dwelling which does not significantly affect existing drainage or low-lying land on the property owner or adjoining property owners. He stated as part of the packet there was one email submitted formulating their objection to this request. It was noted on the survey the applicants would not be exceeding the 25% hardcover maximum and Abel stated he received a letter stating the homeowners association has signed off on the project.

Pat Shea (1140 Cove Circle) stated there would not be a lot of fill needed and it would just be an extension of the existing driveway.

Chair Heck opened the public hearing at 8:44 p.m.  
Hearing nothing, Chair Heck closed the public hearing at 8:44 p.m.

Motion by Stulberg and second by Watson to recommend to City Council approval of ADMINISTRATIVE EXCAVATION/FILL – Application from Pat Shea to construct a second driveway at 1140 Cove Circle, R-1 Zoning – PID 12-117-24-21-0052 with the findings of facts. Motion carried 6-0-0.

### 3) Information Items:

- a) **Staff Reports** – City Council actions were outlined in the packet.
- b) **Council Reports** – Mayor Fischer stated there is a workshop being put on by the NW League to discuss building bridges and working with your community. She stated the other part of the meeting would discuss improving services and making them more cost effective. The meeting is scheduled for Wednesday, October 13<sup>th</sup>, at 5:30 p.m. at the Police Training Room.

Game Farm Road is going well and the South Bay Drive project will be starting soon.

### 4) Adjournment:

Motion by Strandell and second by Watson to adjourn. Motion carried 6-0-0. The meeting adjourned at 8:51 p.m.

Respectfully submitted,

Terri Haarstad  
City Clerk