

PLANNING COMMISSION MEETING MINUTES

August 23, 2010

7:00 p.m.

- 1) Call to Order: Commission Members Present:** Chair Heck, John Strandell, and Mike Stulberg, and Lora Sandholm. **Commission Members absent:** Guy Warner, Bob Pollmann, and John Watson. **Staff Present:** Council Liaison Mayor Fischer, and Senior City Planner Breanne Rothstein.

- a) Approval of Agenda - Chair Heck stated, hearing no objections the agenda is adopted.
- b) Approval of Minutes – June 28, 2010
Motion by Stulberg and second by Sandholm to approve the meeting minutes from June 28, 2010 as presented. Motion carried 4-0-0.

2) Business Items:

- a) EXPEDITED SUBDIVISION: Request from Greg Hugh to revert back to the three lots that were previously platted at 6520 South Bay Drive, R-1 Zoning, PID #34-117-14-0009
Rothstein stated Mr. Hugh is seeking an expedited subdivision to revert back to three lots. In the 90's they were combined for tax purposes. Rothstein stated South Bay Drive is being upgraded with sewer and the applicants were not allowed to build on the lots until the sewer was put in and now that the sewer is being put in Mr. Hugh would like to un-combine his lots. Rothstein stated there are suitable building lots. She stated two additional easements have been taken on these parcels. Park dedication has already been paid as part of the original subdivision.

Strandell questioned why they could not be built on before sewer. Rothstein stated in 1979 they were platted as three acres per lot. Discussion was held on septic systems.

Chair Heck questioned if Mr. Hugh could apply for a building permit now. Rothstein stated he meets the general criteria for lot width and zoning requirements and it was established as the original plat.

Motion by Strandell and second by Sandholm to recommend to City Council approval of the expedited subdivision for Greg Hugh to revert back to three lots that were previously platted at 6520 South Bay Drive with staff conditions listed in the report dated 8/23/10. Motion carried 4-0-0.

3) Public Hearings:

- a) CODE TEXT AMENDMENT: Ordinance 367 Amending Section 505.26 Public/Semi-Public District of City Code to conform with recently updated Comprehensive Plan
Rothstein stated staff and the city attorney have reviewed the Comprehensive Plan language compared with the city code and have made a determination that they are substantially consistent in their existing form. No changes to the substance of that section will be needed. Staff is proposing to add the park rules and policies into the city code to increase their enforceability.

Sandholm questioned no motorized vehicles being allowed and if this is in specific areas. Rothstein stated something could be added to state "except in designated parking areas".

Chair Heck opened the public hearing at 7:18 p.m.
Hearing nothing, Chair Heck closed the public hearing at 7:18 p.m.

Motion by Stulberg and second by Strandell to recommend to City Council approval Ordinance 367 amending public/semi-public zoning district to incorporate park rules and policies. Motion carried 4-0-0.

- b) **CODE TEXT AMENDMENT:** Ordinance 392 Amending Section 505.49 the Shoreland Overlay District of Minnetrista City Code addressing PUD subdivisions in the Shoreland district, to come into compliance with the DNR regulations.
Rothstein stated upon notification of the Woodland Cove concept plan to the DNR, the city received a letter from Jack Gleason, Area Hydrologist. The letter stated that because the DNR never approved the PUD section of the city's shoreland overlay district, that the DNR would have review and approval/denial authority over the Woodland Cove subdivision. Since the DNR had never asserted this authority on previous PUD developments in the shoreland district, the letter outlines possible explanations of this fact.

Rothstein stated the agreed upon remedy by city staff, DNR staff, and city council is to revise the shoreland overlay district ordinance to come into compliance with the DNR PUD regulations. Rothstein presented the revisions to the existing section of shoreland overlay district 505.49 per the executive summary dated 8/23/10. Rothstein stated they are matching the ordinance with the city wide rule.

Chair Heck opened the public hearing at 7:34 p.m.
Hearing nothing, Chair Heck closed the public hearing at 7:34 p.m.

Motion by Stulberg and second by Sandholm to recommend to City Council approval of Ordinance 392 Amending section 505.49 of the Shoreland Overlay District of Minnetrista City Code addressing PUD subdivisions in the Shoreland district to come into compliance with the DNR regulations. Motion carried 4-0-0.

4) Information Items:

- a) Staff Reports
i) Ordinance List Update
Rothstein stated the tree preservation ordinance was approved by the City Council.

The ordinance list staff has been working on was available in the Commissioners packet dated 8/23/10.

Rothstein discussed the Minnesota Supreme Court decision against the City of Minnetonka regarding hardship variances. Rothstein gave the background of the case. She did not feel

Planning Commission Meeting Minutes
August 23, 2010

the action changed any laws. She stated there is no need to change the city code.
Discussion was held on findings of fact and meeting the variance criteria.

b) Council Reports

Mayor Fischer stated the Game Farm Road project is in progress.

Mayor Fischer stated they had a budget meeting and the tax levy will go down a little bit this year as well as the tax rate.

The Public Facilities are nearly completed and will be under budget.

Two Council seats are available and there have been four people who have applied for the seats.

Rothstein gave an update on Woodland Cove.

5) Adjournment:

Motion by Strandell and second by Stulberg to adjourn. Motion carried 4-0-0. The meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Terri Haarstad
City Clerk