

PLANNING COMMISSION MEETING MINUTES
March 22, 2010
7:00 p.m.

1) Call to Order:

Commission Members present: Bob Pollmann, John Watson, John Strandell, Lora Sandholm, Guy Warner and Mike Stulberg.

Commission Members absent: Mark Heck.

Staff Present: Honorable Mayor Cheryl Fischer - Council Liaison, Senior City Planner Breanne Rothstein, Assistant City Planner David Abel, and City Attorney Sarah Sonsalla.

a) Approval of Agenda

Stulberg stated, "Hearing no objections, agenda is adopted."

b) Approval of Minutes

Motion by Warner and second by Pollmann to approve the minutes from the 2/22/10 Regular Planning Commission meeting as amended. Motion carried 5-1-0 (Watson abstaining).

It was noted on page 1, under item 1b, to correct Watson to absent with prior notice.

2) Public Hearings:

a) VARIANCE: Application from Paul and Mary Reyelts for a lakeside setback variance from 75-feet to 63-feet to build a new summer cabin at 4774 Crane Island, R-1 Zoning – PID 36-117-24-23-0004;

Abel stated the applicant's Paul and Mary Reyelts are requesting a lakeside setback variance from 75-feet to 63-feet. They are proposing to construct a new summer cabin that would replace the original structure which was demolished at 4774 Crane Island. The Reyelts are proposing to construct a 2,292 square foot two-story summer cabin. The main structure would be behind the 75-foot setback with the front of a wrap-around porch to extend 12-feet in front of the 75-foot lakeside setback.

Abel presented the history of the property and the variance review dated 3/22/10. Abel stated staff does not feel there is a hardship because there is an option that would avoid the variance and allow for a reasonable location of the home. The survey of 2009 shows an existing dwelling meeting the 75-foot setback standards.

Abel stated there were several letters and emails received in favor of the variance. He stated there are four findings of fact outlined in the variance report dated 3/22/10.

Tom Meyer, Architect for Reyelts, stated they believe the unique condition is that the house to the south is within 1 ½ feet of the property line and within 29 feet of the lake and when Paul and Mary bought the property it was a small house on the southerly sight and has since doubled in size and there is a 58-foot façade that will be on the south side of the Reyelt's property which impacts their privacy and view.

He stated the house and the neighboring house are built on the crest of the hill. He stated they could move the house further to the north but that would require the removal of 3 or 4 black walnut and maple trees and the location would also diminish the view. They are proposing to move it to the east and would be within 12 feet of the setback and there would not be any tree removal. He stated this is a national historic district and they are working to restore the historic prospective of the home. He stated they are proposing to remove two small pieces of concrete from the setback they are only asking for the setback encroachment for the screened porch.

Paul Reyelts (1819 James Avenue South, Minneapolis) stated they believe their request is modest and reasonable. They disagree with staff and they feel there is hardship and unique factors. He felt the primary hardship is the residents at 4717 which encroaches into the lakeshore setback. He stated the neighboring property was granted a variance. Crane Island is a historic place and the house they bought was not livable and was not up to code. He felt what they want to build would fit into the historic value of Crane Island. He stated they are willing to combine the two parcels they own into one by doing a lot combination at the County. He stated they own lot four and 2/3 of lot five. They are willing to remove the concrete pads and move the non conforming structure back behind the setback and restore it. He feels they are respecting the characteristic of Crane Island.

Abel stated the same request is still on the table even with the new drawing received from Mr. Meyer.

Stulberg opened the public hearing at 7:31 p.m.

Hearing nothing, Stulberg closed the public hearing at 7:31 p.m.

Stulberg questioned the variance granted for the neighboring property. Abel presented the proposed footprint for 4773 and stated they are adding onto their existing cabin. He stated they were requesting to add to an existing non conforming structure to add running water and a bathroom. The main portion of their addition was being built toward the conforming portion of their property and they did not increase their lakeside setback.

Stulberg stated the trade off would not be a reason to grant a variance and he stated they still needed to look at the variance criteria. Strandell stated they could take into consideration the side views as a hardship. Stulberg stated the view hardship was not increased. Sandholm stated she does not see the hardship. Watson stated he felt they were doing admirable work, however, he does not feel it meets the variance criteria. Warner did not feel there was a hardship and the difficulty is the inability to get around some of the criteria and what constitutes a variance and he stated the commission has to follow the ordinance standards. Stulberg stated there are other places on the lot where the cabin could be built within the setbacks.

Pollmann questioned the difference between the two drawings. Abel felt the angle was changed and it appears they are still requesting a 12 foot variance. Pollmann questioned the hardship if they moved the structure 12 feet off the encroachment. Mr. Reyelts stated if they stand 12' back their view is block by the neighboring properties and significantly restricts their view, privacy and ability to enjoy afternoon sunlight and summer breezes off of the lake.

Mr. Meyer stated this is a unique situation being in a historic district.

Stulberg stated he did not take into consideration the precedent and he looks at each application on its own merit.

Rothstein stated there were differences in the other variance request from the neighboring property and noted with the other request the original structure was staying and they were building on a new conforming addition and they had to add a kitchen and a bathroom to make it livable. Rothstein stated the addition on the neighbor's property did have an impact on the Reyelts' existing structure, however, the Reyelts removed the existing structure and a structure can be built in a conforming location.

Motion by Strandell and second by Pollmann to recommend to City Council approval of the variance from Paul and Mary Reyelts from 75 foot to 63 foot variance to build a new summer cabin at 4774 Crane Island with a hardship due to the line of sight. Motion failed 2-4 (Watson nay, Warner nay, Sandholm nay, Stulberg nay.)

Motion by Warner and second by Watson to recommend to City Council denial of the variance from Paul and Mary Reyelts from 75 foot to 63 foot variance to build a new summer cabin at 4774 Crane Island with the findings in the staff report, excepting item 2. Motion carried 4-2 (Pollmann and Strandell – Nay).

b) CODE TEXT AMENDMENT: Consider Ordinance 365 Amending Section 505.23 R-5 High Density Zoning District to come into compliance with the Comprehensive Plan.

Rothstein stated there has been one main area added to the R-5 classification and she presented the Comprehensive Plan Land Use Map.

Rothstein discussed senior housing and in doing her research she found assisted living units started at 200 square feet. She proposed to allow for smaller unit size by conditional use permit.

Comments received from property owner of the high density parcel:

- Recommended using a design charette process rather than conventional zoning standards.
- Concern about density on the site. Guided for 8 to 10 units per acre and any variance from that would require a comprehensive plan amendment.

Rothstein stated the purpose of the ordinance is to get an acceptable ordinance on the books.

Stulberg opened the public hearing at 8:00 p.m.

Tom Hughes (455 Pond Promenade, Chanhassen) stated there are a number of concerns the bank has with the ordinance. He stated their request for a design charette was for a tool to get the planning right and have it done before the amendment is done. He stated they are concerned with topography, wetlands, and roads. As a property owner he stated the real problem is the density; he did not feel there is a market for 8+ units per acre and is concerned

there would not be any use for this property with a minimum of 8 units per acre. He stated they are asking the Planning Commission to table the proposal. He stated he did not feel this density fit the intent of the ordinance and would like to come up with an amendment that would work for the city and the developer.

Strandell questioned if he had an ideal number of units per acre he was thinking of. Mr. Hughes stated he felt there could be a market for up to six units per acre.

Larry Thompson stated when he worked for Sienna Corporation they purchased some property to service Hunter's Crest and he felt this area was to be guided at 4 to 6 units per acre and 8 to 10 units per acre would make the area very dense and tight.

Strandell questioned if the developer has thought about putting mixed use on the parcel. Mr. Thompson stated he could not answer that question at this time.

Rothstein stated this is establishing a district and it is not a rezoning. Rothstein stated there needs to be some standards in place for the R-5 zoning and the zoning district was increased to accommodate the Metropolitan Council.

Mr. Hughes questioned if a comprehensive plan amendment would be required to move units around. Mr. Hughes stated he would prefer to work out the details now so the debate does not have to be done at the rezone.

Mr. Thompson felt his parcel, at that high density, was guided for all affordable units to be on that sight.

Rothstein stated the Metropolitan Council does not review plats and they have comprehensive review authority. They do not legislate price points.

Mr. Thompson requested adding language stating: "In the vicinity" to "adjacent to property" pertaining to the trails

Mr. Thompson stated there is a fairly large landscaping requirement for R-5 that is not in R-4 or R-3.

Mr. Thompson requested changing "abutting" to "transecting".

Mr. Hughes questioned if all the affordable housing is on their sight would that be inclusionary zoning. Rothstein stated there are other R-5 districts in Minnetrista.

Mr. Hughes questioned the landscaping requirement and if it would have to be followed if they construct an apartment building. He would recommend using different standards for the landscaping. Stulberg felt that would be best discussed when a plan is brought forward.

Mr. Thompson stated he is concerned asking about a variance and would like to see the landscaping standards changed upfront.

Stulberg closed the public hearing at 8:34 p.m.

Strandell felt if the number of units is 8 to 10 and that the landscaping issue should be looked at so the developer does not have to come back for a variance.

Warner stated the ordinance states it "shall be a mixture of trees" and not a specific number of shrubs.

Rothstein recommended on item h to take out "whichever is greater" and put "or" to add flexibility.

Warner recommended removing the word "more" in the next item.

Strandell recommended in item g to change to "vicinity" to "adjacent to".

Discussion was held on eliminating the website link. Rothstein recommended referencing the document title and date. Attorney Sonsalla recommended putting the title of the document and who produced it in the document with a copy of it at city hall.

Rothstein felt that parcel was appropriate for high density because of the location.

Discussion was held on the comprehensive plan and the land use.

Sandholm questioned the units per acre in the townhomes in St. Bonifacius. It was noted they are four units per acre.

Motion by Strandell and second by Watson to recommend to City Council approval of Ordinance 365 Amending Section 505.23 R-55 High Density Zoning District to come into compliance with the Comprehensive Plan with the changes as discussed. Motion carried 6-0-0.

Motion changes include:

- Language in Sub. Section G to change: "In the vicinity" to "adjacent to property".
- Changing Landscaping language to "or" to allow the flexibility to do one or the other.
- Added "exterior" in J(i)
- Took out reference to website and going to reference document title and author.
- Item L, change the language of access to "transects, adjacent, or abuts".
- Removing "more" from section h.

c) CODE TEXT AMENDMENT: Consider Ordinance 356 Amending Section 505.45 Planned Unit Development to incorporate collaborative track into the development process.

Rothstein stated they reviewed and discussed the PUD ordinance. Rothstein outlined the proposed changes and reasons for the changes per the executive summary 3/22/10.

Stulberg opened the public hearing at 9:07 p.m.
Hearing nothing, Stulberg closed the hearing at 9:07 p.m.

Warner questioned "multi-modal". Rothstein stated that is looking at and accommodating all different modes of transportation.

Warner recommended adding verbiage regarding advisability of no one-on-one meetings. Stulberg stated it is up to the commissioner if they want to meet a developer one-on-one but is not advised.

Motion by Warner and second by Pollmann to recommend to City Council approval of Ordinance 356 Amending Section 505.45 Planned Unit Development to incorporate collaborative track into development process with changes. Motion carried 6-0-0.

3) Business Items:

a) Discuss Ordinance 389 Amending Subdivision Regulations in City Code.

Rothstein stated as part of revising the PUD regulations and bringing the zoning regulations into compliance with the Comprehensive Plan, staff would be bringing forward the subdivision regulations section for review.

Rothstein presented the proposed changes to the subdivision ordinance per the executive summary 3/22/10. She discussed the chart in the packet explaining the different types of subdivisions.

Rothstein stated if there are major changes between preliminary and final plat it would be brought back to the Planning Commission. Stulberg is comfortable with staff's discretion on what is a minor or major change.

Rothstein asked the Planning Commission to take a look at the expedited subdivision and creating 1 or 2 parcels, lot combinations and to look at the proposed information in the Class III Subdivision, submittal requirements. She also asked them to review the Process Requirements for the subdivision.

Warner asked for clarification on the extension of utilities under expedited subdivision. Rothstein stated if utilities are being extended there needs to be a utilities plan.

Rothstein will look to see where an "as-built" is needed. Warner feels an "as-built" also needs to be done in a subdivision.

Sandholm questioned page 105, Findings for Resolutions for City Council Resolution. Rothstein stated it is a list of finding for approving or denying a plat.

Stulberg questioned materials being used and what will the materials look like in some of the developments. Rothstein stated that issue is in the ordinance

4) Information Items:

Rothstein questioned if the Planning Commission was interested in having a table during Trista Day.

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- Warner recommended some kind of presentation document/brochure stating what they do and what they have done.
- Warner recommended a booth, commission concurs.
- Land use plan will be out.

Rothstein stated Woodland Cove Developers were in last week to show their plan to staff.

Discussion was held on whether or not they think the housing market is picking up and what homes are currently selling in Minnetrista.

Stulberg would like a list of items that have been changed on the development since the last time the Commission has looked at it.

Warner requested the Woodland Cove item be the only item on the agenda for that evening.

Rothstein stated there would be a neighborhood meeting before the Planning Commission meeting with the Woodland Cove Developers.

5) Adjournment:

Motion by Pollmann and second by Watson to adjourn. The meeting adjourned at 10:16 p.m.

Respectfully submitted,

Terri Haarstad
City Clerk