



## PLANNING COMMISSION MEETING MINUTES

July 24, 2017

7:00pm

### 1) Call to Order

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

In attendance: Commissioners – Chair Lora Sandholm, Peter Vickery, Gary Pettis, Damian Young, Justin Forbrook, and John Tschumperlin; Council Liaison: Michael Molitor; Staff: City Planner Nickolas Olson.

Absent: Steve Livermore.

#### a) Approval of Agenda

Motion by Tschumperlin and seconded by Pettis to approve the agenda as presented.

Motion passed 6-0. Absent: Livermore.

#### b) Approval of Minutes – June 26, 2017

Motion by Vickery and seconded by Young to approve the minutes from June 26, 2017 as presented.

Motion passed 6-0. Absent: Livermore.

### 2) Public Hearings

#### a) **VARIANCE: Application from David Olson & Cynthia Newstrom to reduce the required front yard setback from 50 feet to 27 feet to allow for the construction of an open air covered front porch at 350 Rolling Hills Drive; A Agriculture Zoning District; PID# 02-117-24-24-0025.**

Olson presented the staff report as found in the Planning Commission packet dated July 24, 2017.

Chair Sandholm opened the public hearing at 7:03 p.m.

David Olson, 350 Rolling Hills Drive, stated that engineering firms have been difficult to contact because they are busy. Olson stated he was able to eventually talk to 2 engineering firms regarding his proposal. Both firms recommended Haugo Geotechnical, who will perform the required assessment. The assessment has not yet been completed at this time. Sandholm asked what Olson would do if approval was not granted. Olson stated he would not proceed with the project because it would not provide

the desired use which is to view the neighboring property owned by the Minnehaha Creek Watershed District.

Chair Sandholm closed the public hearing at 7:05 p.m.

Pettis stated he wanted to make sure that the proposal meet all of the requirements of Hennepin County. Olson stated that based on the Applicants comments during the public hearing, he felt comfortable that condition #1 would be met.

Motion by Young and seconded by Tschumperlin to recommend the City Council approve the requested front yard setback variance at 350 Rolling Hills Drive based on the findings of fact in the staff report and subject to the following conditions:

1. The Applicants shall submit a letter from an engineer, preferably with a septic background, approving an encroachment into the required setback from the septic tank or revise the plans to meet required septic setback at the time of building permit application;
2. The Applicants obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
3. Any required grading should maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
4. The Applicants are responsible for all fees incurred by the City in review of this application; and
5. 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.

Motion passed 6-0. Absent: Livermore.

**b) ZONING AMENDMENT: Application from Jeffrey Martineau to adopt Ordinance 449 to rezone the property located at 1035 County Road 19 from R-2 Low-Medium Density Single Family Residence to PUD Planned Unit Development, PID# 12-117-24-14-0004.**

Item discussed along with Item c).

**c) PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY PLAT: Application from Jeffrey Martineau to develop 14 single family lots on the property located at 1035 County Road 19, PID# 12-117-24-14-0004.**

Items b) and c) were discussed together as they are from the same Applicant and in reference to the same property.

Olson presented the staff reports as found in the Planning Commission packet dated July 24, 2017.

Olson explained that all the necessary information did not come together for these items to allow for the Planning Commission to review the applications and make a recommendation to the City Council. The goal is to continue review of the item on August 28. Staff sent notice of the hearing for tonight as required, but once it was determined that moving the items to August 28 a second notice was sent to the same property owners notifying them of this change.

Tschumperlin asked for clarification on this procedure. Olson stated that since notice of the items was published in the newspaper and sent directly to nearby property owners, it made sense to explain the status of the applications tonight in case any neighbors showed up as a result of the initial notice. Also, opening the public hearing would alleviate the need to send a third notice, which would save on time and postage.

Pettis asked if notes would be given to the Planning Commission at the next meeting about what is occurring tonight. Olson stated that nothing in regards to the application would be discussed and no public comment would be heard tonight, so this would not be necessary.

Sandholm asked if anyone had come for these items tonight. No one in the audience stated that was the case.

Young asked what was not ready for the meeting tonight. Olson stated that there were multiple items that did not come together prior to distributing the Planning Commission packet.

Chair Sandholm opened the public hearing for both items b) and c) at 7:15 p.m.

Motion by Pettis and seconded by Vickery to table discussion on items b) and c) and continue the public hearing at the next scheduled Planning Commission meeting on August 28, 2017.

Motion passed 6-0. Absent: Livermore.

**d) CLASS III SUBDIVISION PRELIMINARY PLAT: Application from Lake West Development, LLC to develop 6 single family lots on the property at 1185 County Road 110N; R-1 Low Density Single Family Residence Zoning District; PID# 11-117-24-14-0003.**

Olson presented the staff report as found in the Planning Commission packet dated July 24, 2017.

Curt Fretham representing Lake West Development, LLC, 14525 State Highway 7, Minnetonka was available for questions.

Tschumperlin asked for the Applicants thoughts on Hennepin County's comment regarding the access for Lot 1 off of County Road 110N. Fretham stated that he felt the City only wanted to see a 6 lot subdivision and because of that it made sense to keep the existing home which allowed for Lot 1 to maintain access off of the county road.

Tschumperlin stated he felt Lot 1 would probably be developed in the future and wondered if the County's comments of eliminating access off of County Road 110N by an easement thought either Lot 2 or Lot 6 needed to be addressed at this time. Olson stated he didn't feel so as that was not currently being proposed by the Applicant.

Sandholm asked if the existing home on Lot 1 is demolished and a new home is built, would the access need to be vacated. Olson stated he didn't get a firm answer from the County, but it probably would not need to be vacated.

Pettis stated that he felt Hennepin County would eliminate the access with any chance they got and it would behoove the City to establish a plan for Lot 1 in order to avoid future problems. Pettis continued to say that without a plan, people would be buying into a development that could be changed on them and there is no telling what that could do to the use or value of their property.

Vickery asked if there had been consideration for a driveway to Lot 1 through Lot 2 or Lot 6. Fretham stated that it was considered, but comments from the sketch plan review displayed opposition to any shared driveway situation that would not be supported.

Forbrook stated he felt it would be helpful to have a plan for Lot 1 based on the conversations he was hearing. Tschumperlin agreed that there should be a plan in place for Lot 1.

There was discussion on sidewalks and trails around the Property. There is an existing trail along the west side of County Road 110N and a sidewalk on the south side of Sunnyfield Road E. The concern was for school children.

Sandholm had a question on the storm water pond being located on a private lot and how that would be accessed for maintenance in the future. Olson stated that if there was a Homeowner's Association, they would be responsible for the maintenance and that the City would establish a storm sewer tax district which would include all lots in the development.

Vickery stated that he was concerned about the proposed access off of Sunnyfield Road E.

Sandholm opened the public hearing at 7:35 pm.

Elissa Engesser, 1135 Marina Drive, stated she appreciated the developer taking the comments they have received from neighbors in regards to the density, which was lowered from 9 units to 6 units.

Sandholm closed the public hearing at 7:36 pm.

There was continued discussion on the possibility for shared driveways for this development, particularly for Lot 1.

Pettis stated he was looking for a way to look the development in as a 6 lot plat. Olson stated that there was no way to do so if Lot 1 was large enough to be subdivided and if a shared driveway was acceptable.

Forbrook asked why Lot 1 wasn't being proposed as 2 lots. Olson stated that was a decision made by the Applicant and the City needs to review the application that was submitted.

Molitor asked for reasoning behind keeping the existing home. Fretham stated there is a new foundation on the home and it is of more value in keeping it than removing it in his opinion. Sandholm asked about the detached garage. Fretham stated there also was more value in keeping the garage as well.

Sandholm discussed the variance that was a condition of approval. Olson stated the variance would be for the existing home and the other condition of approval was for the Applicant to verify the detached garage met setbacks.

There was discussion on what happens if the house on Lot 1 is demolished.

Perry Ryan of Lake West Development, LLC, 14525 State Highway 7, Minnetonka clarified the possible shared driveway scenarios that have been discussed.

Vickery asked if Lot 1 was split, would the resulting lots be conforming. Ryan stated that it has been laid out and the lots would be conforming.

Jim Gooley, 1155 Marina Drive, wanted to speak in light of new information that was discussed after the public hearing was closed. Gooley explained the current traffic and parking issues that exist now on Marina Drive.

There was discussion of a shared driveway for Lots 2 and 3 that would align with Langewood Drive to help with safety and parking concerns. Pettis stated he felt it would be a safer access point if it was across from Langewood Drive. Fretham stated he would be amenable to a shared driveway if that was the recommendation.

Elissa Engesser, 1135 Marina Drive, spoke again about her assumption that the access would be kept off of County Road 110N and her opposition to additional access through a shared driveway over Lot 6 for Lot 1.

There was general support for a shared driveway between Lots 2 and 3.

Forbrook asked about how the existing house would fit with the other 5 new homes that are to be constructed here, specifically about the role of the Homeowner's Association. Olson stated it would be up to the Homeowner's Association to determine that as it can vary from association to association.

There was discussion about placing the storm water pond in an outlot. Olson stated this only would be possible if a shared driveway was granted for Lot 2 and Lot 3 off of Sunnyfield Road E.

Motion by Pettis and seconded by Vickery to recommend approval of the requested preliminary plat to develop 6 single family units at the property of 1185 County Road 110N subject to the conditions in the staff report and the following additional conditions:

1. Shared driveway for Lots 2 & 3 off of Sunnyfield Road E across from Langewood Drive; and
2. Further considerations of placing the storm water pond in an outlot.

### **3) Business Items**

- a) None

### **4) Informational Items**

#### **a) Staff Reports – City Planner Nickolas Olson**

- 1) Items for next Planning Commission meeting

#### **b) Council Reports – Councilmember Michael Molitor**

- 1) Campus Master Plan Update
- 2) Budget discussion underway

### **5) Adjournment**

Motion by Young and seconded by Tschumperlin to adjourn the meeting at 8:44 p.m.

Motion passed 6-0. Absent: Livermore

Respectfully submitted,

*Nickolas Olson*

Nickolas Olson  
City Planner

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***The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.***