

**MINNETONKA PLANNING COMMISSION
MINUTES**

JANUARY 21, 2010

1. CALL TO ORDER

Chair Cheleen called the meeting to order at 6:30 p.m.

2. ROLL CALL

Commissioners Blatz, Lehman, Sjeklocha, A. Thomas, Walker, Adams, and Cheleen were present.

Staff members present: City Planner Loren Gordon, Principal Planner Susan Thomas, and Planner Jeff Thomson.

3. APPROVAL OF AGENDA: The agenda was approved as submitted.

4. APPROVAL OF MINUTES: January 7, 2010

Blatz moved, second by A. Thomas, to approve the January 7, 2010 meeting minutes as submitted.

Blatz, Lehman, Sjeklocha, A. Thomas, Walker, Adams, and Cheleen voted yes. Motion carried.

5. REPORT FROM STAFF

Gordon announced that the next planning commission meeting will be February 4, 2010.

Gordon noted that the Minnetonka and Hopkins City Councils and advisory board members held a special session January 11, 2010 to discuss plans for the Shady Oak light rail station.

Gordon thanked Blatz for her service on the planning commission. This will be her last meeting.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA: None

8. PUBLIC HEARINGS

**A. Variance for a home addition at 13318 Lake Street Extension.
(10001.10a)**

Chair Cheleen introduced the proposal and called for the staff report.

Thomson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Adams asked for a definition of a "PURD." Thomson explained that a "R2 PURD" is a zoning district that used to exist in the city. It stands for a R2 planned unit residential district. When the city adopted the PUD ordinance, PURDs were removed from the ordinance. The applicant's property is regulated as an R2 zoning district as well as by the adopted master development plan for the property and its applied standards.

Adams asked who owns the adjacent parcel. Thomson explained that the parcel is owned by the Pepperwood Association.

Dan Firehammer, 13318 Lake Street Extension, applicant, appreciated staff's report and the commission's time. The outlot is not part of his property. It is owned by the townhome association west of his property.

The public hearing was opened. No testimony was submitted and the hearing was closed.

A. Thomas supported the recommendation, but wanted to acknowledge that a nonconforming, existing condition is being made more nonconforming. At some time down the line, there could be further discussion regarding taking something that is nonconforming and making it more nonconforming. That is like taking something that is bad and making it worse. He has a problem with that, but supports the application.

Lehman asked if staff considered the proposal "more nonconforming." The property's nonconformance is that the back setback is not met. Thomson explained that the city's nonconforming use ordinance establishes essentially three different aspects of nonconforming development: replacement or reconstruction of what exists, improvement, or expansion. The proposal would expand the nonconforming use and require a variance. The existing building line would be maintained, but it would expand the nonconforming use.

Walker supported the recommendation. The building was built in the early 1900s. At that time, the residence was in conformance. It is in nonconformance now

because of the codes that have been changed. Thomson added that in order to be entitled to the provisions provided for a nonconforming use, the structure had to exist prior to adoption of the ordinance that makes it nonconforming. If a structure was or is built without a permit or proper approval, then it would not be entitled to any of the provisions of the nonconforming use ordinance.

Blatz moved, second by Adams, to adopt the resolution on pages A8-A10 of the staff report, which approves a variance for expansion of a nonconforming structure, and a rear yard setback variance from 40 feet to 14 feet for an addition to the house at 13318 Lake Street Extension. Approval is based on the following findings:

- 1) The proposal is reasonable and would meet the required standards for a variance, because:
 - a. Practical difficulty: There is a practical difficulty due to the location of the house on the lot. Given the nonconforming rear yard setback, an addition could not be constructed to match the existing building line without the need for a variance.
 - b. Unique circumstance: The nonconforming rear yard setback is a circumstance that is not common to every single-family property.
 - c. Neighborhood character: The addition would not have any adverse visual impacts on surrounding properties. The addition would maintain the setback and building line of the existing house, and the exterior would consist of material similar to those of the house.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.
 - b. Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.

- 2) This variance will end on December 31, 2011, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Blatz, Lehman, Sjeklocha, A. Thomas, Walker, Adams, and Cheleen voted yes. Motion carried.

Chair Cheleen stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

9. OTHER BUSINESS

A. 2010 Work Plan

Gordon informed commissioners of items staff will be working on including updating ordinances related to parking regulations, impervious surface practices, wetlands and floodplains, and signs. He reviewed a number of studies that will be happening.

Sjeklocha asked how planning staff will utilize a university class for the Opus sustainability study. Gordon explained that staff approached the Humphrey Institute because its staff was looking for projects. This is a way for city staff to gain information on new, cutting-edge techniques without making an investment of city dollars to hire a consultant to do the same type of process. This is a fresh perspective with a new set of eyes to provide another angle on redevelopment.

Sjeklocha asked if this is the first time the city has partnered with the University of Minnesota and/or the Humphrey Institute. S. Thomas responded that the city has not collaborated with students for at least the last eight years that she has been employed by the city. She graduated from the Humphrey Institute and knows that it is standard practice for the school to collaborate with cities on projects to provide an outside perspective.

Adams nominated A. Thomas to be on the committee to review sign regulations.

Adams asked what problems are trying to be fixed with the environmental ordinances. He asked if erosion control is an issue right now. Gordon stated that ordinance updates are sometimes prompted by state requirements where the city is required to implement the requirements. In this case, there is a mandate regarding storm water. The city must show that it is making strides to improve water quality. The mandate will include completing physical projects. The city will be outlaying dollars for capital improvements to storm water systems to improve

water quality. There are educational items that need to be done to show progress in meeting discharge goals for the next 20 years. Putting better management practices in place to provide better grading and erosion control during construction is a goal. Ordinance work regarding the floodplain consists of administrative clean-up items.

Chair Cheleen noted that most parking regulations relate to commercial sites instead of residential. He felt townhouse and planned unit developments have narrower roads, more density, and limited parking. He lives in one and sees spill over into other parking lots and public streets. He asked if it would be feasible to consider more residential parking regulations. Gordon answered affirmatively. The ordinance needs to be updated. It has not adapted to narrow streets with reduced setbacks and more density. Parking spaces are reviewed on a site plan, but there is not enough structure in the parking ordinance. That could be evaluated.

A. Thomas favored touring the city, identifying problem-parking areas, and looking at what can be done. He wanted to be flexible to promote environmentally-friendly parking lots with less bituminous and use the city hall's parking lot as an example of how a nice parking lot can look.

A. Thomas said that the environmental ordinances are a good thing. He has seen erosion control fences lying down. He supported more enforcement.

A. Thomas looked forward to discussion regarding what the sign ordinance should provide. Fulfilling the needs of business owners while maintaining aesthetic quality of the city is a necessary discussion. The village study is relevant right now with the former K-Mart building remaining vacant. Revitalization of the southwest side and its parking issues provides a wide-scope of discussion. There should be a gateway to the city when entering from the west on State Highway 7. There really is not one right now. There is a dented sign there right now. It looks kind of shabby.

B. Recognition of Blatz' service

Chair Cheleen thanked Blatz for her two years of service on the planning commission. She has not missed more than a couple meetings during that time. Her legal background has been a nice resource. Chair Cheleen listed applications she reviewed and comprehensive guide plan amendments she participated with.

Adams appreciated Blatz's legal insight. He regretted losing a fellow environmentalist. He appreciated her service.

Sjeklocha appreciated Blatz's service and knowledge of past projects.

Chair Cheleen presented Blatz with a certificate of appreciation.

Blatz explained that she is leaving the commission due to the impending arrival of her second child. She thanked commissioners and staff. She has learned a lot by serving on the commission. Staff was always willing to answer her questions. She appreciated getting to know the neighborhoods, seeing the properties, and learning from the property owners. She encouraged other residents to serve on a commission.

10. ADJOURNMENT

***Blatz moved, second by Sjeklocha, to adjourn the meeting at 7:20 p.m.
Motion carried unanimously.***

By: Lois T. Mason
Lois T. Mason
Planning Secretary