

**Unapproved
Minnetonka Planning Commission
Minutes**

Dec. 16, 2021

1. Call to Order

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

2. Roll Call

Commissioners Maxwell, Powers, Waterman, Banks, Hanson and Sewall were present. Henry was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon and Assistant City Planner Susan Thomas.

3. Approval of Agenda

Maxwell moved, second by Hanson, to approve the agenda as submitted with an additional comment provided in the change memo dated Dec. 16, 2021.

Maxwell, Powers, Waterman, Banks, Hanson and Sewall voted yes. Henry was absent. Motion carried.

4. Approval of Minutes: Dec. 2, 2021

Waterman moved, second by Banks, to approve the Dec. 2, 2021 meeting minutes as submitted.

Maxwell, Powers, Waterman, Banks, Hanson and Sewall voted yes. Henry was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Dec. 6, 2021:

- Adopted a resolution and an ordinance approving items for Dick's House of Sport at Ridgedale Center at 12437 Wayzata Blvd.
- Reviewed a concept plan for the redevelopment of the property at 14317 Excelsior Blvd.

Gordon thanked commissioners for their service to the community.

The next regular planning commission meeting is scheduled to be held on Jan. 6, 2022.

6. Report from Planning Commission Members

Powers enjoyed a four-hour ride-along with a Minnetonka Police Officer. He encouraged everyone to go on one.

Chair Sewall thanked staff for their hard work and flexibility to keep the city functioning in 2021.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

Waterman moved, second by Banks, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Resolution approving an aggregate side yard setback variance for an addition at 16404 Temple Drive North.

Adopt the attached resolution approving a side yard setback variance for an addition at 16404 Temple Drive North.

Maxwell, Powers, Waterman, Banks, Hanson and Sewall voted yes. Henry was absent. Motion carried and the item on the consent agenda was approved as submitted.

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

8. Public Hearings

A. Resolution denying a conditional use permit for an accessory structure in excess of 1,000 square feet at 4127 Williston Road.

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

Thomas reported. She recommended denial of the project based on the findings and subject to the conditions listed in the staff report.

Maxwell confirmed with Thomas that the proposed driveway could be built without the approval of a conditional use permit.

Waterman confirmed with Thomas that there is no "visual height" restriction. The proposed structure would meet ordinance height requirements.

Zach Klonne, owner of 4127 Williston Road, applicant, stated that:

- He understands the duty required by staff, commissioners and councilmembers to make a decision that is best for the city and

- neighboring community. He will gladly accept the final decision and appreciates the time spent by everyone completing this process.
- The design changes to the structure make it more closely related to other similar residential-detached structures that have been approved and built in Minnetonka.
 - The design changes and addition of landscaping, evergreen trees and fencing make approval of the conditional use permit the correct decision.
 - A twenty-foot reduction would cause the removal of the tall garage door and the south-facing wall around it. It would not require moving the trailer shown in that location, the roof above it or the north or east walls.
 - The plan that would not require approval of a conditional use permit would allow a further extension of the features nearly 40 feet to the east beyond the proposed building edge. The south-facing wall of the extension would remain unenclosed. The alternative structure, although inherently larger, is not what the applicant desires. He believes the design accommodations made to the new plan would best fit the use and have the least amount of impact on the neighboring properties.
 - The structure would not be used for commercial activity. Many opinions and assumptions were made about his construction business at the previous meeting.

Banks appreciated the information. He asked what the landscaping would include. Mr. Klonne stated that he is willing to plant evergreens or install a fence along the side or rear property lines.

In response to Waterman's question, Mr. Klonne explained that the way he understands the building code, the aggregate 1,000 square feet includes the enclosed portion of the building. A roof and three sides with one side open would not constitute an enclosed space and would not be included in the square footage total. The roof could be extended on the east side of the building along with the rear and side walls and leave the front open to serve as a covered storage space. Without a conditional use permit, a structure under 1,000 square feet in size would be allowed to be located ten feet from the rear property line. On the revised plans, the taller garage door was eliminated.

Powers asked what the applicant plans to store in the structure. Mr. Klonne answered a few personal trailers, lawnmower, vehicle and woodworking and metalworking equipment. The left portion of the garage would have 1,000 square feet of enclosed space. The attached garage to the house fits only one vehicle.

Chair Sewall confirmed with Mr. Klonne that more than four trees would be removed. Mr. Klonne pointed out an area where trees would be removed.

The public hearing was opened.

Don Sundell, 14660 Lake Street Extension, stated that:

- He would view the proposed structure from his living room window.
- He would prefer to look at an enclosed garage rather than covered equipment.
- He thought there would be tractors, dump trucks and bobcats.
- The proposal would not be subordinate to the principal structure. It would look like a second principle use.
- The proposal would not preserve the site in its natural state regarding tree removal, soil removal and appearance.
- The proposal would not be harmonious with neighbors.
- The proposal would not be screened by topography or vegetation for six months of the year.
- The proposed structure would look like an airplane hanger.
- He did not want to have to notify the city if the site would be used for a commercial business.

Susan Sundell, 14660 Lake Street Extension, stated that:

- She provided pictures of the site.
- She and other neighbors oppose a 1,000-square-foot structure being built.
- She understands that she does not own the view.
- She wants commissioners to prevent a 1,500-square-foot structure from being built. It would adversely affect dozens of people.
- She did not want to have to notify the city if the site would be used for a commercial business.
- She did not want to look at an open garage all winter.
- She thanked commissioners for doing what they do.

Amy Sundell, daughter of Don and Susan Sundell, stated that:

- The proposed building would need to be screened from the neighbors.
- Trees would be cut down.
- She would like the building to match the look of the house.
- The proposed structure would look like a house.
- She suggested the structure be turned so its doors would be viewed from the Klonne's house instead of her parents' house.

Jack Peterson, 14680 Lake Street Extension, stated that:

- He wants the area to remain residential instead of turning into a commercial use.
- He did not see a need for the building to be 1,500 square feet instead of 1,000 square feet.
- He suggested moving the building to a location that would be more pleasing to neighbors.

No additional testimony was submitted and the hearing was closed.

In response to Chair Sewall's question, Thomas explained that the setbacks from property lines and the height of a structure are included in the review of a building permit. Minnetonka does not require screening between single-family properties. Minnetonka does not have aesthetic or architectural standards for residential structures.

In response to Maxwell's question, Thomas read the ordinance definition of an enclosed structure which is a structure that is surrounded by a roof and walls composed of any type of material. An unenclosed structure is a structure that is not surrounded by a roof and walls and is composed of any type of material. Minnetonka has many structures that consist of a roof supported by posts. They are considered unenclosed. She agreed with Mr. Klonne that a roof on posts would be considered unenclosed.

Powers asked why the applicant preferred the proposed location for the structure. Mr. Klonne explained that the slopes restrict the location. His current driveway has a steep slope and his vehicle slid back onto Williston Road last winter. The proposed driveway would provide an area for a vehicle to turn around in the rear yard with a trailer and enter Williston Road facing forward.

Powers asked if he would consider rotating the building. Mr. Klonne answered that he did have a drawing that initially rotated the building so the garage doors would face his house, but a large retaining wall would have to be constructed where the building is currently proposed to have enough flat area. The current proposal would be more cost-effective, more visually pleasing than a large retaining wall and provide a more usable flat area in the back yard.

Banks asked Mr. Klonne in what ways he could obstruct the view of the proposed building. Mr. Klonne said that constructing a wood fence is a possibility. There is space on all sides of the proposed driveway extension and the structure to plant evergreen trees. He also pointed out there are 30 feet of wooded area on the adjacent properties on all sides of the property line.

Thomas noted that the city could not presume that a resident would violate the zoning ordinance when submitting a land-use application.

The public hearing was reopened.

Susan Sundell wanted to know the reason for the applicant submitting the proposal.

No additional testimony was submitted and the hearing was closed.

Maxwell saw that the modified plan was an improvement over the original proposal. She agreed with the ordinance that the proposed structure would not be small enough to be considered subordinate to the primary structure. As a neighbor, she would prefer to have an enclosed space that would look clean rather than, potentially, an open space with

trailers visible. She thought it might be better to approve a conditional use permit with conditions that would require screening and designated style rather than a large roof with equipment under it. She agreed with staff's recommendation, but struggled because an enclosed structure would look better. She noted that there is a utility easement located south of the proposed driveway, so there may not be enough space for evergreens to be planted in that spot.

Thomas explained that a property owner might be allowed to plant a tree in a drainage and utility easement if there is no actual pipe or wires in the easement, but it would be done at the property owner's risk since the property owner would have to remove the tree if a pipe would need to be added. If there is a pipe already existing in an easement, then planting or building anything in the easement would be prohibited.

Waterman agreed with Maxwell. Approving a conditional use permit would allow conditions to require screening. He agreed with staff that the proposal is pretty far outside of the established parameters. He did not think he could justifiably recommend approval to the city council. The visuals are helpful to see how close it would be. He agreed with staff's recommendation, but it is a tough decision.

Hanson was conflicted. He was leaning towards recommending approval of the conditional use permit so a condition could be added to require screening and give the property owner the third garage door which would improve the view of surrounding neighbors.

Banks agreed with commissioners. He agreed with staff's recommendation to deny the application for the reasons listed in the staff report. He would have liked to see a landscape plan.

Powers agreed with Banks. The proposed structure location would be in the wrong place. Over time, people adjust to seeing some new things. The structure would be too large. He liked the applicant being concerned with the neighbors' views. He agrees with staff's recommendation. He understood that it would be important for the applicant to be able to turn the trailer around. He appreciated the neighbor providing photos.

Chair Sewall noted that views are not a right. He agreed with staff's recommendation.

Waterman moved, second by Powers, to recommend that the city council adopt the resolution denying a conditional use permit for an accessory structure in excess of 1,000 square feet at 4127 Williston Road.

Maxwell, Powers, Waterman, Banks and Sewall voted yes. Hanson voted no. Henry was absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council on Jan. 10, 2022.

9. Adjournment

Banks moved, second by Maxwell, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

By:

Lois T. Mason
Planning Secretary