

**Minnetonka Planning Commission
Minutes**

June 23, 2022

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda

Powers moved, second by Henry, to approve the agenda as submitted.

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

4. Approval of Minutes: June 9, 2022

Powers moved, second by Hanson, to approve the June 9, 2022 meeting minutes as submitted.

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

5. Report from Staff

Thomas briefed the commission on land use applications considered by the city council at its meeting on June 13, 2022:

- Adopted a resolution approving an accessory dwelling unit on Excelsior Blvd.
- Adopted a resolution approving the Weber two-lot subdivision on Oakland Road.

The annual boards and commissions dinner is scheduled to be held on July 13, 2022. Please RSVP to staff.

The annual planning commission and EDAC bus tour is scheduled to be held on Aug. 2, 2022.

The next planning commission meeting is scheduled to be held on July 7, 2022.

6. Report from Planning Commission Members

Powers reported that the park and Dick's House of Sports' outdoor field at Ridgedale are under construction.

Henry asked if the Weber subdivision would be able to save the oak trees he identified. Thomas explained that natural resources staff found a way to preserve two of the five oak trees. The subdivision meets tree protection ordinance requirements.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Variance to the tree protection ordinance for the redevelopment of the property at 17048 Patricia Lane.

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

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

Jason Smith, Capital Builders, applicant, stated that he had no new information to add. He was available for questions.

In response to Henry's question, Raines explained that during the review of the demolition permit, natural resources staff determined that no tree removal would be necessary and included this as a condition of the demolition permit. During review of the building permit, staff discovered that removal of a tree would be needed for the proposed house's footprint; removal of the tree would require a variance to the tree protection ordinance; and the tree had already been removed during demolition.

Mr. Smith suggested that the city require a tree survey be done for every demolition permit to avoid the confusion that occurred. Thomas clarified that a demolition permit was submitted; staff provided written instruction to the applicant that no tree removal could occur during demolition; and the applicant confirmed in writing that he understood that no tree removal could occur during demolition.

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

Powers hopes the house turns out beautifully. He has been on the commission a number of years and he has never seen a similar unauthorized tree-removal scenario. He supports staff's recommendation.

Waterman supports staff's recommendation. He does not want to encourage any activity that circumvents the ordinance. He felt it reasonable to remove one tree for the

proposed residence's footprint. It would be a beautiful house. He wished the builder good luck.

Chair Sewall noted that the variance seems reasonable and whether it was applied for now or prior to the removal of the tree, he believes that the commission would have granted the variance either way. The lot still has many wonderful trees.

Hanson moved, second by Waterman, to adopt the resolution approving a tree protection ordinance variance for the redevelopment of a new home at 17048 Patricia Lane.

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

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

B. Conditional use permit for an accessory structure in excess of 1,000 square feet at 12015 Glendale Lane.

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

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

Jason Lowe, 12015 Glendale Lane, applicant, stated that the shed is required to maintain this type of property to house the snow blower, lawn mower and tools. The proposed shed would not be much larger than a three-car garage. The lot is unique because the house is located on a hill.

Henry visited the site. The applicant's plan makes sense. He agrees with the applicant's desired location for a porch. He saw no reason to deny the application.

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

Chair Sewall felt that the request is reasonable. He would support looking at modifying the ordinance to allow similar structures. Waterman noted that other properties might be more crowded with structures than the applicant's property.

Powers moved, second by Waterman, to recommend that the city council adopt the resolution approving a conditional use permit for an aggregate of accessory structures in excess of 1,000 square feet at 12015 Glendale Lane.

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

9. Adjourment

Powers moved, second by Hanson, to adjourn the meeting at 7:02 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary