

**Minnetonka Planning Commission
Minutes**

Oct. 3, 2019

1. Call to Order

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

2. Roll Call

Commissioners Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk were present.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas and Senior Planner Ashley Cauley.

3. Approval of Agenda

Sewall moved, second by Hanson, to approve the agenda as submitted with changes and additions provided in the change memo dated Oct. 3, 2019 and the removal of Item 7A, a front yard setback variance and expansion permit for a covered stoop and mudroom addition at 18908 Shady Lane, which was withdrawn from the agenda at the applicant's request.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

4. Approval of Minutes: Sept. 19, 2019

Powers moved, second by Luke, to approve the Sept. 19, 2019 meeting minutes as submitted.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

5. Report from Staff

Gordon briefed the commission on the cancellation of the Oct. 17, 2019 planning commission meeting. The next planning commission meeting will be Nov. 14, 2019.

Gordon invited commissioners and the public to attend meetings that will be held Oct. 17th and Oct. 24th to discuss the city-owned property on County Road 101 near Covington Road.

6. Report from Planning Commission Members

Chair Kirk encouraged everyone to vote Nov. 5, 2019.

7. Public Hearings: Consent Agenda

Item 7A, a front yard setback variance and expansion permit for a covered stoop addition and mudroom addition at 18908 Shady Lane, was withdrawn from the agenda

at the applicant's request. No other item was removed from the consent agenda for discussion or separate action.

- A. Front yard setback variance and expansion permit for a covered stoop addition and mudroom addition at 18908 Shady Lane.**

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

- B. Lot-behind-lot setback variances for a garage with second-story living space at 3337 Eldorado Trail West.**

Lot-behind-lot setback variances for a garage addition with second-story living space at 3337 Eldorado Trail East.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried and the item on the consent agenda was approved as submitted.

8. Public Hearings

- A. Expansion permit for a garage with a second-story living space at 3217 Larchmore Ave.**

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

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

Michael Truax, 3217 Larchmore Ave., applicant, was available for questions.

Knight asked what would happen if the neighbor would install a fence. Mr. Truax explained how a vehicle would exit and enter the site.

Chair Kirk asked if the applicant had considered building a house behind the existing house without a garage and then tearing down the existing garage and constructing a garage that would face the road. Mr. Truax said that would not be economically feasible.

Chair Kirk was concerned with snow removal and being able to access the garage. Mr. Truax stated that pushing the snow into the back of the yard past the garage would work.

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

Powers moved, second by Knight, to adopt the resolution approving an expansion permit for a garage living space addition at 3217 Larchmore Ave. with a modification provided in the change memo dated Oct. 3, 2019.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

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

B. Conditional use permit for a structure in excess of 1,000 square feet at 4124 Thomas Ave.

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

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

Powers asked if the proposed structure would be located over the stormsewer pipe. Cauley answered in the negative. Engineering and public works staff are comfortable with the building having two small point intrusions into the stormsewer pipe maintenance area.

Hanson asked if moving the structure was considered. Cauley explained that the proposed location is a compromise. The original location would have been above the stormsewer pipe. The property owner worked with staff to move the proposed building to a suitable location outside most of the pipe's maintenance area.

Luke confirmed with Cauley that the proposal meets all city requirements except that the square footage exceeds 1,000 feet, so the proposed building would be allowed if it would meet all conditional use permit standards.

Sewall confirmed with Cauley that a commercial business would be prohibited from operating in the proposed structure.

In response to Henry's question, Cauley answered that a living space would not be allowed in the proposed accessory structure.

Nicholas Gerten, 4124 Thomas Ave., applicant, stated that he would not operate a commercial business in the proposed building. He works as a contractor out of a one-car garage. He has no plans of expanding that. He was not sure what would be done with the second level. It made sense to add that space to this type of building. When he purchased the property, he met with staff to find out what would be possible. He received the all clear from staff. When his surveyor visited the site, the surveyor noticed the manhole and sewer pipe. The compromise that made the most sense is the proposed location.

In response to Powers' question, Mr. Gerten stated that the building would provide room for him and his kids to do hobbies including welding, woodworking and automobile maintenance.

In response to Luke's question, Mr. Gerten answered that there is a hedge on one side that would block the view from the adjoining neighbor.

In response to Powers' questions, Mr. Gerten stated that there would probably be a motion light on the front. The walls would be insulated and sheet rocked. Nothing would create loud noise. He has two small children.

Mr. Gerten stated that there would be no drainage issues. His property is the lowest in the area.

Chair Kirk asked if another roof design had been considered to decrease the mass of the building. Mr. Gerten explained that a gambrel roof is a very efficient way to gain space. The overhang off of one side would break-up the height. The grade increase on the left side would break-up the view on that side.

The public hearing was opened.

Terry Kowalski, 15014 Belvoir Drive, stated that:

- She provided written comments already given to commissioners.
- Her house is adjacent to the site.
- She would view a 24-foot tall building instead of a back yard through some pine trees. She is not happy that he wants to "replicate a rural-area building."
- She received no communication from Mr. Gerten.
- Mr. Gerten offered to install a fence if the row of lilacs would not be sufficient, but that would make her feel "boxed in."
- She requested that the application be denied. A garage could be built next to the house and not in her sight lines.
- She did not want the second story on the proposed structure.

Bill Fuller, 14920 Belvoir Drive, stated that:

- The structure would be huge.
- His porch looks into the applicant's garage.
- He did not want to hear noise.
- A 1,500-square-foot structure seems a little bit odd.

James Besonen, 4104 Thomas Ave., stated that:

- He wanted to build a building like the proposal. His builder told him that he had to stay within 1,000 square feet in size. His builder told him that the height restriction would prevent the gable roof. He built a 1,000 square-foot garage. He does welding and wood-working and has room for six vehicles.
- He questioned why the rules were created.

- The applicant would still “get his money back” if the building would be 1,000 square feet in size. He made a good investment and his garage blends into the neighborhood.
- The property next to the applicant’s property is a little lower.
- He supports a 1,000-square-foot garage that would meet the rules.

No additional testimony was submitted and the hearing was closed.

Henry asked for staff’s rationale for recommending approval of a conditional use permit for the proposal. Cauley explained that structures up to 1,000 square feet are allowed with a building permit. Structures over 1,000 square feet are allowed with a conditional use permit that requires certain standards to be met and city council approval. Staff found that the proposal meets all of the conditional use permit standards provided in city ordinances and listed in the staff report.

Sewall confirmed with Cauley that a very large house could be built on an acre-size lot.

Knight asked if the city has a restriction on the size of an accessory structure in relation to the size of the principle house. Cauley answered in the negative. She explained that she researched similar proposals and found that over the last five years, the city has approved ten structures ranging in size between 1,300 square feet and 2,500 square feet on sites ranging from half an acre to four and a half acres in size.

Henry confirmed with Cauley that locating an accessory structure on the existing driveway nearer to the house would cause more tree loss and encroach further into the maintenance area of the sewer pipe.

Chair Kirk noted that there is no protected view requirement in regard to making land use decisions. He confirmed with Cauley that staff found that the structure would meet all conditional use permit standards. Thomas pointed out the standards listed on Page 3 of the staff report.

Hanson clarified with Cauley that the proposal meets all setback requirements and does not require a variance for approval.

Sewall noted that it is not within the commission’s purview to consider what a space would be used for as long as ordinances regarding the type of use would be followed. He felt the building would be too big, but it meets all of the conditional use permit standards so he supports staff’s recommendation.

Hanson noted that the proposal meets the guidelines and rules for a conditional use permit. He encouraged the property owner to be an active communicator with neighbors.

Powers will reluctantly vote to recommend that the city council approve the proposal.

Luke thought the proposed structure would not look like the principle residence. It would not fit in the neighborhood. There are other options. The cost per square foot does not matter.

Henry did not think the proposal would be in keeping with the architectural style of the principle structure. He would not support it because of that issue.

Knight thought the appearance of the building would be cute if it would be smaller. In this case, it would look like a barn. He would support the application because it does meet the conditional use permit standards. He would like councilmembers to consider an alternative.

Sewall noted that the neighbor opposes a fence. He agreed that a fence would be unsightly.

Chair Kirk noted that the applicant changed the location of the structure to follow the rules. He encouraged councilmembers to take a look at the rules if that would help the next similar proposal result in a better outcome. He noted that if the structure had been there for 100 years and the property owner wanted to tear it down, residents would be upset. It would be difficult to defend not seeing the similar characteristics of the proposed structure and the principle, residential structure. He supports staff's recommendation.

Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure in excess of 1,000 square feet at 4124 Thomas Ave.

Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Henry voted no. Motion carried.

Chair Kirk stated that this item is scheduled to be reviewed at the city council meeting on Oct. 28, 2019.

C. Sign plan amendment for Chipotle at 10995 Red Circle Drive.

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

Cauley reported. She recommended denial of the application based on the findings listed in the staff report.

Sewall confirmed with Cauley that staff would recommend approval of the application if it contained only two of the three signs.

Sewall asked how much smaller the sign would need to be for staff to recommend approval. Cauley responded a six-inch reduction in height and a six-inch reduction in area.

Dusty Austin, representing the applicant, stated that:

- The rear sign would be useful when the new lite rail begins operating behind Chipotle. Most pedestrian traffic would be traveling from that direction.
- The six-foot, eight-inch sign would be used to identify the Chipolt-Lane which is an area for drivers to pick up an order that was placed online. That sign would replace an actual menu-order sign. Most menu-order signs are six times larger.

Knight confirmed with Mr. Austin that pedestrians would travel from the walkway which is already in place. Mr. Austin stated that the sign on the north side would not be visible to a pedestrian on the path. The path would be behind the hotel. Henry said that it would be hard for a pedestrian on the walking path located the furthest south to see the sign on the north side. He thought most pedestrians would have a phone to help them navigate the confusing paths.

Cauley clarified that the location of the signs and overall total number of signs for the building are not allowed by the sign plan without an amendment.

In response to Henry's question, Mr. Austin stated that it would not be a hardship to make the signs smaller since smaller signs are used at other locations.

Sewall thought having two signs would be reasonable. He did not care which two. He supports staff's recommendation.

Powers agreed with Sewall.

Luke agreed. She supports denial of the application. There is a reasonable way to follow the sign plan.

Knight and Henry concurred.

Chair Kirk noted that the way-finding sign would be close to the building. It would be appropriate to stay within the sign plan requirements.

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

Sewall moved, second by Hanson, to adopt the resolution denying the sign plan amendment request.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

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

D. Conditional use permit for telecommunication facilities at 4848 County Road 101.

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

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

Julie Plant, representing the applicant, stated that:

- She agreed with the conditions of approval recommended by staff.
- She was available for questions.

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

Powers moved, second by Luke, to recommend that the city council adopt the resolution approving a conditional use permit for telecommunication facilities at 4848 County Road 101.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

9. Adjournment

Sewall moved, second by Hanson, to adjourn the meeting at 8:20 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary