

**Minnetonka Planning Commission
Virtual Meeting Minutes**

Aug. 20, 2020

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon, Senior Planner Ashley Cauley, Network Administrator Jeff Dulac, and IT Assistant Gary Wicks.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: Aug. 6, 2020

Maxwell moved, second by Waterman, to approve the Aug. 6, 2020 meeting minutes as submitted.

Luke, Maxwell, Powers, Waterman, and Hanson voted yes. Motion carried.

5. Report from Staff

Gordon briefed the commission on the city council's adoption of a resolution approving the final plat and additional items for Shady Oak Crossing at its meeting of Aug. 10, 2020.

Gordon announced that planning and economic development advisory commissioners will take a virtual tour of projects in progress and recently completed in the city on Aug. 27, 2020.

6. Report from Planning Commission Members

Acting Chair Hanson invited commissioners to visit the Opus area to take a look at all of the work being done on new projects and in preparation of the SWLRT.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Items concerning a detached structure with an accessory apartment at 17502 Co. Rd. 101.

Acting Chair Hanson 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.

Luke asked if there is a minimum size requirement for an accessory dwelling unit. Cauley answered in the negative. There is a maximum size limit allowed for an accessory dwelling unit which equals a percentage of the principle dwelling unit or 950 square feet. The property owner would be required to occupy one of the dwelling units on the property.

Maxwell asked how adding the turn-around driveway would impact the amount of impervious surface. Cauley explained that the horseshoe portion of the driveway shown on the survey currently exists. The proposal would reduce the amount of impervious surface. The building permit review would confirm that impervious surface requirements would be met.

In response to Waterman's questions, Cauley answered that the applicant could replace the existing garage with the same-size structure with only the approval of a building permit. The current setback requirement is 50 feet from the street. The current garage was constructed prior to creation of the setback ordinance.

Powers asked for the height of the existing garage and if there are similar garages in the area. Cauley answered that the adjacent property to the west has a garage that is less than two feet from the front property line and a foot from the west property line. The view of the height of the existing garage is approximately 15 feet, but, because of the topography of the site, the proposed garage would appear 9 feet tall in the rear.

Powers thought the change would be visible from Co. Rd. 101. He asked if the proposal would set a precedent. Cauley explained that a legal precedent is extremely hard to set. The application would have to be for the same request on a site that would be exactly the same within a time frame of approximately 12 months. There is a difference between a proposal to construct a new garage on a site that could accommodate the garage elsewhere while meeting ordinance requirements and a proposal that would replace an existing structure in the same footprint that was allowed by ordinance at the time it was constructed. The proposal already has a structure of the same size at the proposed location currently. The height would be increased slightly to allow for an accessory apartment.

Acting Chair Hanson confirmed with Cauley that the height of the structure is measured from the midpoint of the highest peak to the highest grade.

The public hearing was opened.

Kathryn Alexander, architect for the applicants, stated that the property next door and a property down the block have garages in similar locations. It seems practical to keep the garage in its current location. The current location would keep it matching with the street scape along Co. Rd. 101.

Powers asked for the distance from the current garage and the house. Gordon estimated 76 feet.

Ms. Alexander stated that the 50-foot front yard setback for the garage could not be met without abutting up to the proposed house.

Jeff and Christine Rotsch, owners of 17502 Co. Rd. 101 currently living at 151 Bushaway Road in Wayzata, applicants, stated that the proposal would make a much nicer, concentric look with the house. Moving the access to the garage to the west side would be a big improvement by removing the garage access to Co. Rd. 101 and decreasing the amount of impervious surface on the site. The property owners had been encouraged to remove the garage's access to Co. Rd. 101.

Waterman asked if moving the house and garage back further on the lot had been considered. Ms. Alexander explained that the applicant is trying to respect the neighbors' views of the lake. If the house would be moved further back, then the neighbors' views would be obstructed. It would be a shame to move the structures closer to the lake.

No further testimony was submitted and the hearing was closed.

Acting Chair Hanson asked if the city had requested the property owner to move the garage away from Co. Rd. 101. Cauley assumed, since it is a county road, that Hennepin County staff may have encouraged the property owner to remove the garage access from Co. Rd. 101. The property currently has three accesses to Co. Rd. 101.

Luke felt that the proposal is reasonable. The project would be much better looking than the existing structure. Moving the access point off of Co. Rd. 101 makes a lot of sense. That is a difficult area to drive. The proposal makes sense.

Waterman understood that the property owner has the right to replace the garage. The variance is reasonable. The proposal would be in character with the neighborhood. No trees would be removed. He appreciates the applicant not wanting to block the neighbors' views of the lake. He supports the proposal.

Maxwell agreed. She appreciates the effort to rotate access to the garage on the west side instead of Co. Rd. 101. It would not make sense to move the structures closer to the lake. She appreciates that the garage would match the future house and improve the aesthetics of the site. She was not concerned with the added height since there are similar garages in the area. She supports staff's recommendation.

Powers concurred with commissioners.

Acting Chair Hanson thanked the applicants and their architect for bearing with the technical difficulties of a virtual meeting. He looks forward to supporting the proposal. The garage is basically grandfathered in. It is the best option for the site.

Luke moved, second by Waterman, to recommend that the city council adopt a resolution approving a conditional use permit with an expansion permit to increase the height of an existing detached structure to 17 feet and a conditional use permit with a locational variance for an accessory apartment at 17502 Co. Rd. 101.

Luke, Maxwell, Powers, Waterman, and Hanson voted yes. Henry and Sewall were absent. Motion carried.

Acting Chair Hanson stated that this item is scheduled to be reviewed at the city council meeting on Aug. 31, 2021.

9. Adjournment

Powers moved, second by Luke, to adjourn the meeting at 7:25 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary