

**CALL TO ORDER:** Chairman Werneiwski called the meeting to order at 7:00 p.m.

**PRESENT:** Chairman Bob Werneiwski, Commissioners Barbarajean Brandt, Kent Carlson, Scott Hemink, Walter Linder, John McGary and Pete Onstad

**ABSENT:** None

**OTHERS PRESENT:** Council Liaison Paul Skrede and Zoning Coordinator Gus Karpas

**MINUTES OF October 19, 2010**

Motion by Commissioner Werneiwski, seconded by Commissioner Carlson to approve the minutes of October 19, 2010 as presented. Motion carried 7-0.

**PUBLIC HEARINGS**

**Subdivision - Subdivision** request of Mary McCulloch, 20595 Summerville Road to subdivide the existing property into two lots.

Zoning Coordinator Karpas presented his staff report. He said in a normal situation the property could be subdivided by administrative plat, but since the original home on the west lot doesn't comply with the required lake setback and hardcover requirements, the request has to come to the Planning Commission. He said he recommended approval for the request since the proposed lots comply with the dimensional requirements of the city code, conditioned that the applicant pay the required lateral fee and park dedication fee prior to filing the subdivision with the county.

Bob Carlson was present on behalf of the applicant. Mr. Carlson asked if the lateral and park dedication fee could be paid at the time of the building permit application. Zoning Coordinator Karpas said it has been the practice of the city to ask for those fees up front. Mr. Carlson questioned amount of the fee. Karpas said he recalled it being equal to ten percent of the estimated market value of the newly created lot, but said he thought that had changed. He said that the applicant could ask the Council to waive the fee since the created lot previously existed and was attached to the property to create the current configuration. Commissioner Carlson said he would not be in favor of waiving the fee.

Commissioner Brandt asked about the original configuration of the lots. Zoning Coordinator Karpas said he believed it was originally a three lot subdivision with a north and south lot and a lot to the east that bordered them, that was subdivided and attached to those lots.

Sally Hurd, 20580 Summerville Road, clarified by saying there were originally four lots, one eventually being attached to the north lot and one to the south lot. The one attached to the south lot was re-subdivided and sold a number of years ago.

Commissioner Brandt noted there has been a history of drainage problems at the intersection of Summerville Road and Harper Road. Zoning Coordinator Karpas stated a condition can be placed on any approval requiring the City Engineer approve the grading and drainage plan prior to a permit being issued.

Commissioner Brandt discussed the setbacks and a concern raised by a neighbor that there be no variances granted for the new lot. Zoning Coordinator said the applicant has shown the setbacks on the survey and there appears to be plenty of room to construct a new home without variances. Brandt acknowledged the setbacks but expressed concern about the city granting variances on corner lots in the past.

Commissioner Linder asked how the applicant intended on complying with the hardcover requirements. Mr. Carlson said they were going to remove a large amount of landscaping plastic along the driveway. Linder feels it's important to bring the property into compliance with the hardcover requirements since it's a lake lot.

Chairman Werneiwski said he had no concerns with the proposed subdivision as presented.

Commissioner Carlson has no concerns providing the drainage issues are address.

Commissioner Onstad asked about the shed on the back of the west lot which seemed close to the property line. Commissioner Hemink noted it was in compliance with the setback due to its small size, which permits a reduced setback. Onstad said he had no concerns with the request.

Mr. Carlson asked if the driveway for the new lot could enter the property from Harper Road. Zoning Coordinator Karpas said he would have to check with the Fire Inspector. He said since the paved area of the road may be less than twenty feet, the home may need to be sprinkled.

Commission McGary felt that the landscape plastic around the house, closest to the lake should be removed. He believes that would be most beneficial. Other than that, he has no issues with the request. Mr. Carlson said the removal of the plastic along the drive caused the least amount of disturbance for the homeowner, and though it may be more difficult to remove the plastic around the house due to landscaping, he would see what he could do.

Commissioner Hemink liked the idea of removing the landscape plastic around the house since it sits entirely in the required lake setback. He feels it is a reasonable compromise. He feels approval should also be conditioned that the front yard setback

be off of Harper Road and that the lateral and park dedication fees should be paid up front if that is the normal process for the city. Zoning Coordinator Karpas said it would be difficult to condition where the front yard setback should be. He noted that it has a corner lot setback requirement and taking that setback and including the road right of way width, any proposed house would be set back forty-eight feet from the neighboring property line.

Chairman Werneiwski opened the public hearing.

Sally Hurd, 20580 Summerville Road expressed support for the request.

Zoning Coordinator Karpas referenced the comments included in the Commission's packet from Lucinda Pratt, 20590 Summerville Road, expressing support for the request provided there would be no future variances granted. Karpas also read into the record an email he received from Bob Anderson, 20495 Summerville Road, supporting the request.

Hearing no further public comment, the hearing was closed.

**ACTION:** Motion by Commissioner Carlson to recommend the City Council approve the subdivision request to create a two lot subdivision, based on the findings of staff and as presented at 20595 Summerville Road. The motion was conditioned that the City Engineer review and approve the grading and drainage prior to the issuance of a building permit, that the landscaping plastic around the home be removed to bring the property into compliance with the hardcover requirements and that the lateral and park dedication fees be paid prior to filing the plat with Hennepin County. It was noted that the proposal complies with the dimensional requirements of the ordinance. Commissioner Werneiwski seconded the motion. The motion passed 7-0.

## **NEW BUSINESS**

There was no new business.

## **LIAISON REPORT**

Council Liaison Skrede said the Council took no official action on any planning issues though they did discuss the drafting of a new liquor licensing ordinance, which is necessary due to the passage of the referendum permitting the sale of alcohol. He said the Council discussed the parameters of the ordinance and felt the Planning Commission should take the lead in drafting it. He said amongst the items the Council discussed issues related to permitting liquor stores, though there was no support for a municipal liquor store, the issues of on-sale versus off-sale and the types of licenses including wine and non-intoxicating liquor licenses. They discussed the number of potential licenses the city could issue, language for renewal and denial of licenses, fees for licenses, the fact they didn't want to permit or promote gambling and adult

entertainment, a limitation on issuance only to properties located in Commercial zoning districts and a number of zoning related issues, including parking, business hours and distances from residential structures.

Council Liaison Skrede said even though this issue was originally raised by individuals looking to serve liquor in a restaurant, the Council viewed that as a totally new ordinance, not geared to any one use.

The Council would like the input of the Commission and would be willing to meet with the Commission in a joint work session. Zoning Coordinator Karpas explained this process would be two-fold, with a liquor ordinance and amendments to the zoning ordinance. He said the Council would first have to pass the ordinance, which will give guidance on the changes to the zoning ordinance. He said he would send copies of other cities ordinances right away to allow the Commissioners to review them and decide how they would like to proceed.

## **ADJOURNMENT**

Motion by Commissioner Werneiwski to adjourn the meeting. Commissioner Linder seconded. The motion carried 7-0. The meeting adjourned at 8:05 p.m.

Respectfully submitted,  
Gus Karpas  
Zoning Coordinator