

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

**PRESENT:** Chairman Kent Carlson and Commissioners Barbarajean Brandt, Brandon Gustafson, Scott Hemink, John McGary, Gen McJilton and Pete Onstad

**ABSENT:** None

**OTHERS PRESENT:** Council Liaison Darel Gustafson and Zoning Coordinator Gus Karpas

**MINUTES OF December 17<sup>th</sup> 2013**

Motion by Commissioner McGary, seconded by Commissioner Onstad, to approve the minutes of December 17, 2013. Motion carried 7-0.

**PUBLIC HEARINGS**

**Subdivision/Combination Request - Bert Foster 19150 Park Avenue and Two Geez, LLC 19120 Park Avenue** - to subdivide 3,519 square feet of lot area from his property located at 19150 Park Avenue and attach it to property owned by Two Geez LLC at 19120 Park Avenue.

Section 1200 of the city code requires the Planning Commission to review the proposed lot line adjustment and submit their recommendations to the City Council.

Zoning Coordinator Karpas summarized the request. He said Bert Foster has reached an agreement Two Geez, LLC to subdivide 3,519 square feet from his property located at 19150 Park Avenue and convey it to their property located at 19120 Park Avenue.

19120 Park Avenue is approximately one-third the minimum required lot area for the R-3 zoning district. The proposed subdivision would increase its area to just over one half the minimum lot area. The home on the property is proposed to be removed, even if it were to remain on the lot as is, the proposed subdivision would remove the existing west side yard encroachment.

The property is currently not located in the Shoreland Management District but moving the westerly line brings the property within the management district and will require impervious surface calculations when the property is redeveloped. Impervious surface calculations were not provided at this time since there were no changes being proposed to impervious surface area on the property.

Karpas said he recommended approval for the request based on the criteria that the proposal would not impact the integrity of either lot from a zoning perspective and will maintain the essential character of the neighborhood and would provide a more viable building pad for 19120 Park Avenue.

Chairman Carlson opened the public hearing. Hearing no public comment, the hearing was closed.

Commissioner Hemink discussed the request bringing the property into the Shoreland Management district and whether that is creating a future variance request for 19120 Park Avenue. Zoning Coordinator Karpas said approval of the request does not entitle the property owner a variance. Hemink feels the request is reasonable.

Commissioner Gustafson said the request is a good example of neighbors working together to create a better situation for the neighborhood. He's supportive of the request.

Commissioner Onstad is in favor of the request since it enlarges a small lot to a point where a variance may not be required in order for it to be developed.

Commissioner McGary supports the request.

Commissioner Brandt asked about the objective of the request. Jodi Grieger, owner of 19120 Park Avenue, said the hope is to gain lot width on her property to allow a more reasonable home to be developed on the lot. Brandt said she is in favor of the request provided no future variances are sought for the property.

Commissioner McJilton feels this is a great option for 19120 Park Avenue and allows for greater flexibility for its development.

Chairman Carlson is supportive of the request, noting the neighbors worked together to create a lot with greater development potential.

**Planning Commission Action:**

Motion by Commission McGary to recommend the council accept the recommendation of Staff to approve the subdivision/combination request of Bert Foster and Two Geez, LLC to subdivide 3,519 square feet from 19150 Park Avenue and attaching it to 19120 Park Avenue as presented.

**The motion is based on the following findings:** (a) the proposal does not negatively impact the integrity of either lot from a zoning perspective and will maintain the essential character of the neighborhood; and (b) the proposal will provide a more viable building pad for 19120 Park Avenue.

Motion seconded by Commissioner McJilton. Motion carried 7-0.

**Preliminary Plat - Homestead Partners, 18400 Northome Road** – A Preliminary Plat of property located at 18400 Northome Road, to be called “Northome Estates.” The proposal would subdivide an existing lot into two buildable lots and six outlots.

Section 1200.07(3) requires the Planning Commission to review the preliminary plat and submit their recommendations to the City Council. Following Commission action, the preliminary plat will be submitted to the City Council at their February 3<sup>rd</sup> meeting for a public hearing and review.

Zoning Coordinator Karpas summarized the request. He said the applicant, Homestead Partners, LLC, has made an application for a Preliminary Plat of 18400 Northome Boulevard. Northome Estates would plat the existing lot into two buildable properties and create six outlots. It is the intent of the applicant to sell the outlots to the adjacent property owners. The applicant has said those outlots they are unable to convey to neighboring properties will be absorbed by the two buildable lots.

The proposal would require the acquisition of an additional sewer lateral.

Karpas said he recommended conditional approval of the Preliminary Plat for Northome Estates. He felt the proposed plat does not impact the integrity and general development of the community, does not impact the impact the health, safety and general welfare of the neighborhood, will not negatively impact the traffic on adjacent streets, would not have an adverse impact on property values and will maintain the general character of the neighborhood.

Jeff Schoenwetter, JMS Custom Homes, said the request is to create to new PIDs and the intent with the outlots is to sell as many as they can to the neighbors and combine the remaining outlots with the two proposed lots. He said the proposed parcels already have buyers, with the existing home slated to remain with an extensive renovation.

Chairman Carlson opened the public hearing.

Karpas said he heard from Bruce Becker, 3325 Hill Lane, who said he reviewed the proposal and didn't have any concerns, though he did want to see the outlots absorbed in some way by adjacent properties.

Kate Lindfors, 3320 Hill Lane, asked about the new home to be constructed on the vacant lot and expressed concern about its impact on the woods and the suitability of existing utilities to serve the new structure.

Peter Knaeble, engineer for the applicant, said he has already spoken with the utility companies and there is no issue with providing service to the additional home.

Hearing no further public comment, the hearing was closed.

Commissioner Brandt had concerns about the proposed outlots and their potential future use. She questioned the name of the Plat wondering if the term "Estates" gave the impression of some type of further development in the future.

Mr. Schoenwetter, addressing the resident's concern about trees, said only a total seven trees would be removed in the development of both lots. Speaking on Commissioner Brandt's comments, Mr. Schoenwetter said the outlots were intended to provide an opportunity for the neighbors to acquire property to help them with potential zoning issues they may have. Those outlots not sold would be absorbed by either Lot 1 or Lot 2 in the Final Plat.

Gen McJilton agrees the outlots need to be addressed and shouldn't be left out there on their own. She noted the City Engineer raised some issues in his letter and would like to see those addressed prior to approval of the Final Plat. She likes the idea of a shared driveway to limit the number of curb cuts onto Northome Boulevard.

Commissioner Hemink discussed concerns he had with shared driveways in the case where neighbors did not get along. Zoning Coordinator explained that an easement agreement would be filed against both lots that clearly outlined what the responsibilities of each property owner would be to commonly maintain the driveway. Hemink was fine with the driveway provided the City Attorney viewed the easement agreement. Hemink said he did not like the shape of Lot 1 and feels the Plat could be done in a simpler fashion with the inclusion of some of the outlots to make more traditional shaped lots. He believes the shape of Lot 1 could create confusion for property owners on where exactly their property line is.

Commissioner Gustafson said the sale of the outlots could create its own issues. He sees the benefits of having one driveway but agrees the lots are oddly shaped.

Commissioner Brandt would prefer not to see a shared driveway and thinks it's odd that one lot would not have its own. Mr. Schoenwetter said there's enough lot frontage for each lot to have their own driveway but maintaining a shared driveway preserves trees, reduces impervious surface and helps with safety by limiting the number of accesses to Northome Boulevard.

Commissioner Onstad shares some of the same concerns about the outlots as previously mentioned. If some were redrawn or removed he could be more supportive, but as it, he's not supportive of the request. He does support the concept of a shared driveway.

Commissioner McGary overall supports the request even though some of the lot lines are "goofy." He feels the driveway easement is large enough to accommodate a shared driveway. He felt there needed to be some clarity as to who will pay for improvements in the road right of way as outlined by the City Engineer in his letter reviewing the proposal.

Chairman Carlson said he's supportive of platting the property but shares some of the concerns about the outlots. He agrees there will be confusion on the exact location of property lines. He's also concerned that the applicant has taken the large piece of property and carved out two lots that are very close to the minimum required lot area.

Mr. Schoenwetter discussed some changes he could make to the plat and asked the Commission if they would be able to approve the plat with changes so the process could continue. Chairman Carlson said it is not the Commission's responsibility to design the plat and unless the applicant continues their request to the next meeting, it has to act on the application before them. Mr. Schoenwetter said he would like the Commission to take action.

#### **Planning Commission Action:**

Commissioner Hemink moved the Council deny the Preliminary Plat for Northome Estates as presented. The proposed plat creates irregular shaped parcels and there is uncertainty as to their final dimensions based on which outlots are sold to neighboring properties or retained by the proposed lots.

Motion seconded by Commissioner Brandt. Motion carried 5-2. Commissioners McGary and McJilton were opposed to the motion to deny.

#### **NEW BUSINESS**

**Conditional Use Discussion** – Discuss steps for the amendment of Conditional Use standards.

Zoning Coordinator Karpas discussed the information contained in the Commission packet noting he included some reformatting of the uses, which are now broken down on a zoning district basis. He said the Commission could go through each district and edit the principal and conditional uses.

Commissioner Brandt noted there is more to do than just looking at the uses. She discussed the licensing process. Zoning Coordinator Karpas agreed and said the Commission needs look at the uses and determine those uses, if any, that they would want to further regulate through a licensing process. He noted that some of the uses that concern the city have occurred in cities that already have licensing requirements, meaning licensing a business doesn't ensure you're going to necessarily keep out the undesirable businesses.

Commissioner Gustafson asked about a review process for conditional use permits. Zoning Coordinator Karpas said this could be done through the conditions established in the ordinance. The city cannot require an annual reissuance of a conditional use permit, like it can a license, but it can establish relevant conditions, if violated, allows the city to review the permit.

The Commission discussed violations of Conditional Use Permits and established laws. Zoning Coordinator Karpas said even if the city did not have a licensing requirement, any business operating under a Conditional Use Permit could have their permit revoked if they violate the law.

The Commission discussed the volume of uses contained in each district and agreed that staff should find a way to draft some language that could encompass large numbers of those uses under one umbrella. They also felt it would be helpful to look at ordinances from other cities to get an idea of how they list their conditional uses.

Zoning Coordinator Karpas said he would work on that and bring it back to the February Planning Commission meeting.

#### **LIAISON REPORT**

Council Liaison Gustafson said the Council wanted to express their appreciation to the Planning Commission for all their hard work they put into the process. He said the Council acted on three variance requests, approving the grade alteration variance for 20525 Park Place and the Impervious Surface request for Minnetonka Schools and deny the request for the proposed garage at 3505 Deephaven Avenue.

**ADJOURNMENT**

Motion by Commissioner Hemink to adjourn the meeting, McGary seconded. The meeting adjourned at 9:50.

Respectfully submitted,  
Gus Karpas  
Zoning Coordinator