

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

PRESENT: Chairman Kent Carlson and Commissioners Brandon Gustafson, Scott Hemink, John McGary and Pete Onstad

ABSENT: Commissioner Gen McJilton

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

MINUTES OF January 27, 2015

Motion by Commissioner Onstad, seconded by Commissioner Gustafson, to approve the minutes of January 27, 2015. Motion carried 4-0-1. Commissioner Hemink abstained

PUBLIC HEARINGS

Variance request, Aulik and Associates, 4600 Linwood Circle – Request for a variance of the minimum required lake yard setback for the alteration/enclosure of an area under an existing non-conforming roof.

Section 1302.04(3) of the city ordinance requires a minimum lakeshore setback of one hundred (100) feet from the Ordinary High Water Level (OHWL) of Lake Minnetonka. The requested lakeshore setback for the proposed alteration is ninety-four (94) feet. A variance to encroach six (6) feet into the required lakeshore setback is being sought.

Zoning Coordinator Karpas summarized the request. He said the applicants are seeking to alter an existing non-conforming structure that was constructed in 2002 with the issuance of a fifteen (15) foot lake yard variance. The request would enclose an area under the existing roof on the lakeside of the home, totaling approximately one hundred and fifty (150) square feet. The closest portion of the proposed alteration would be located ninety-four (94) feet from the ordinary high water level (OHWL). He said the subject property currently exceeds the maximum permitted impervious surface area with an overall coverage of 39.1%. The proposal will be constructed entirely over existing impervious surface and will not change the current percentage.

Karpas said he recommended approval for the request based on the criteria outlined in his staff report, that the request met the spirit and intent of the ordinance, it would put the property to a reasonable use, there are unique circumstances not created by the property owner leading to the need for the variance and the proposal would not alter the essential character of the neighborhood.

Greg Aulik, Aulik and Associates, was present to answer any questions. He feels the request is reasonable and was designed to fit within the existing structure.

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

Commissioner McGary felt the request was straightforward and proposed no further encroachments. He was in support of the request.

Commissioner Hemink said there would be no impact on the drainage or the appearance of the structure from adjoining properties. He has no concerns with the request.

Commissioners Onstad and Gustafson were supportive of the request.

Chairman Carlson was also supportive of the request and asked the Commission for a motion.

Planning Commission Action:

Commissioner McGary moved the Planning Commission recommend the council accept the recommendation of staff to **approve** the application by *Aulik and Associates* for the variance request of Section 1302.05(3) of the zoning ordinance to encroach six (6) feet into the minimum required one hundred (100) foot lake yard setback for the alteration and enclosure of a one hundred and fifty (150) square foot area on an existing non-conforming structure as presented at 4600 Linwood Circle.

The motion for approval is based on the following findings: (a) the proposal meets the intent of the ordinance and is in harmony with the orderly development city. The applicant is seeking to modify an existing non-conforming structure in a manner which will not increase the degree of non-conformity; (b) the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development and redevelopment of residential property within the city; (c) the proposal is a reasonable use of the property and only seeks to continue the existing use currently on the property without creating further encroachments; (d) the shape of the lot limited the placement of the original home when it was constructed. Any type of increase in the living area outside of the existing footprint would create further encroachments, requiring variance approvals, but the design of the existing home permits this alteration without further encroachment; and (e) the proposal would not alter the essential character of the neighborhood since there will be no discernable difference in the structure when viewed from adjacent properties or the lake.

Commissioner Hemink seconded the motion. Motion carried 5-0.

Variance requests, Landschute, 19940 Lakeview Avenue – Request for variances of the required front, east and west side and lake yard setbacks and to exceed the maximum permitted impervious surface area to construct a new single family home on an existing non-conforming footprint.

Section 1302.05(3) of the city ordinance requires a minimum front yard setback of thirty-five (35) feet from the front property line. The requested front yard setback for the proposed single family home is twenty-two (22) feet. A variance to encroach thirteen (13) feet into the required front yard setback is being sought.

Section 1302.05(3) of the city ordinance requires a minimum east side yard setback of ten (10) feet from the east property line. The requested east side yard setback for the proposed single family home is six (6) feet. A variance to encroach four (4) feet into the required east side yard setback is being sought.

Section 1302.05(3) of the city ordinance requires a minimum west side yard setback of fifteen (15) feet from the west property line. The requested west side yard setback for the proposed single family home is six (6) feet. A variance to encroach nine (9) feet into the required west side yard setback is being sought.

Section 1302.05(3) of the city ordinance requires a minimum lakeshore setback of one hundred (100) feet from the Ordinary High Water Level (OHWL) of Lake Minnetonka. The requested lakeshore setback for the proposed single family home is ninety-five (95) feet. A variance to encroach five (5) feet into the required lakeshore setback is being sought.

Section 1350.06(2)(a) of the city ordinance permits a maximum impervious surface area of 25%. The proposed impervious surface area on the property would be 34.4%. A variance to exceed the maximum impervious surface area by 9.4% is sought.

Zoning Coordinator Karpas summarized the request. He said the applicant is proposing to demolish the existing non-conforming single family home and construct a new single family home on the existing footprint. The proposed home would include the construction of a second story which does not currently exist. The applicant indicated the existing impervious surface area on the property will be reduced from 50.8% to 34.4%. This will be done primarily through the removal of rock and plastic landscaping located on the property.

Karpas said he recommended approval for the request and outlined the approval criteria included in his staff report.

Jon Monson, Landschute, was available to answer questions. He said he was willing to alter to house two inches to comply with the lake setback if the was the desire of the Planning Commission.

Chairman Carlson opened the public hearing. Karpas said he heard from three neighbors indicating concern about the number of variances until it was explained the proposed structure was to be constructed on the same footprint. Once that was clarified, they were supportive of the request. Hearing no further public comments, the hearing was closed.

Commissioner Hemink clarified the difference between the footprint and foundation of the structure, noting the footprint includes the deck which does not have a foundation under it. He confirmed the proposal was to use the footprint and not just the foundation. Mr. Monson said the request was to use the footprint of the existing structure. Hemink felt the proposal was a good use of the existing space and was happy to see the structure stay under the required height. He said the feedback he received from the neighbors was all positive.

Commissioner Onstad felt the proposal was an excellent design for the neighborhood and he was very supportive of the request.

Commissioner Gustafson said he was originally concerned about the proposed height but when he visited the site he found that it fit into the neighborhood. He is supportive of the request.

Commissioner McGary agrees moving the home two inches farther from the lake is an easy remedy for removing one variance from the request. He supports the request and feels the proposal is a nice design that fits into the neighborhood. He also heard from neighbors that were in support of the request.

Chairman Carlson asked about potential grading on the site. Mr. Monson said the structure would be built on the existing footprint, but there would be one retaining wall that would be removed and the grade leveled, but it would be within the ordinance requirements. Carlson thanked the applicant for working with staff and the property owner for reinvesting in the neighborhood. He's supportive of the request and feels it fits the character of the neighborhood.

Planning Commission Action:

Commissioner Onstad moved the Planning Commission accept the recommendation and findings of staff and recommend the council approve the application by *Landschute for the variance requests of Section 1302.05(3) of the zoning ordinance to encroach twelve feet, six inches (12'-6") into the minimum required thirty-five (35) foot front yard setback, to encroach three feet, seven inches (3'-7") into the required ten (10) foot east side yard setback, to encroach nine (9) feet into the required fifteen (15) foot west side yard setback and to encroach two (2) inches into the required one hundred (100) foot lake yard setback and the variance request of Section 1350.06(2)(a) of the zoning ordinance to exceed the maximum permitted impervious surface area by 9.4% for the demolition and reconstruction of a non-conforming single family home as presented at 19440 Lakeview Avenue.*

The motion for approval is based on the following findings: (a) *the proposal meets the intent of the ordinance and is in harmony with the orderly development of the city. The applicant is seeking to demolish an existing non-conforming single family home and replace it with a new single family home on the same footprint with no further encroachments, thus not increasing the degree of dimensional encroachment;* (b) *the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development and redevelopment of residential property within the city;* (c) *the*

proposal is a reasonable use of the property and only seeks to continue the existing use currently on the property, with the addition of a second story to add additional living space; (d) the size of the lot and the angle of the property lines limit the development options for the property. Compliance with the required front yard setback would push the structure towards the lake side of the property and farther into the required lake and side yard setbacks. The lot area is one half the minimum required for the zoning district. Even so, the applicant has reduced the impervious surface area by 16%; and (e) the proposal would not alter the essential character of the neighborhood. The proposed structure setbacks are consistent with those currently in place and only a small percentage of the second story encroaches into the required setback, minimizing the massing on the adjacent properties.

Commissioner McGary seconded the motion. Motion carried 5-0.

NEW BUSINESS

Interview Candidates to fill upcoming Planning Commission vacancies

Planning Commission candidates Jim Anderson, Bill Sharpe, John Studer and Bob Werneiwski addressed the Commission about their interest in serving on the Commission.

Chairman Carlson explained there are four opening; two appointments are for two years, while the other two are for three years. He said the individual terms for each member will be determined by the City Council.

Motion by Chairman Carlson to recommend the City Council appoint Jim Anderson, Bill Sharpe, John Studer and Bob Werneiwski to fill the upcoming vacancies on the Planning Commission, the terms of service to be determined by the Council. Commissioner Gustafson seconded the motion. Motion carried 5-0.

Appointment of Vice-Chair

Chairman Carlson said with Commissioner McGary leaving the Commission, there is a need to fill the Vice-Chair position. He will be absent for the next meeting so the Vice-Chair will be thrown into service right away. Carlson felt Commissioner Gustafson would be a good candidate if he was willing to serve. Commissioner Gustafson said he was.

Motion by Chairman Carlson to appoint Commissioner Gustafson to serve as Vice-Chair of the Planning Commission until April 2016. Commissioner Hemink seconded the motion. Motion carried 5-0.

Present Certificates of Appreciation to Outgoing Planning Commission Members

Council Liaison Gustafson discussed the responsibilities entrusted to Planning Commissioners and how their actions shape the character of the city for years into the future. He said the position of Planner Commissioner is critical position in city government and those who serve are greatly appreciated.

Gustafson read a resolution of appreciation adopted by the City Council and presented signed copies for outgoing Commissioners Barbarajean Brandt, Scott Hemink, John McGary and Peter Onstad.

LIAISON REPORT

Council Liaison Gustafson summarized the discussions held by the Council on a proposal to vacate a portion of St. Louis Avenue, which was denied 3-0. He said the CUP for Jerry's Auto was unanimously approved and the proposed outdoor learning center was amended by the DEC and passed on the 3-2 after much discussion. The amended plan placed the wall entirely on school property and reduced the height by two feet.

ADJOURNMENT

Motion by Commissioner Carlson to adjourn the meeting, McGary seconded. The meeting adjourned at 8:00.

Respectfully submitted,
Gus Karpas
Zoning Coordinator