

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

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

ABSENT: None

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

MINUTES OF March 19, 2013

Minor amendments were suggested to the minutes. Motion by Commissioner McGary, seconded by Commissioner Werneiwski, to approve the minutes of March 19, 2013 as amended. Motion carried 6-0-1. Commissioner Onstad abstained.

PUBLIC HEARINGS

Ordinance 13-62, Creating Section 1312 – Construction Regulation – public hearing on proposed ordinance which would realign existing construction regulations within the existing city codes, amend the existing grade ordinance and create additional survey requirements.

Zoning Coordinator Karpas presented the proposed ordinance. He said the Commission could still amend the ordinance and include the amendment in its recommendation to the Council.

Motion by Commissioner Werneiwski that staff schedule a public hearing for Ordinance 13-62, as amended, to be held at the Planning Commission's April 16th meeting. Commissioner Werneiwski seconded the motion. Motion carried 6-1.

Motion by Chairman Werneiwski to recommend the City Council approve Ordinance 13-62, creating Section 1312 realigning existing construction regulations within the existing city codes, amending the existing grade ordinance and creating additional survey requirements. Commissioner Hemink seconded the motion. Motion carried 6-1. Commissioner Brandt voted nay.

Zoning Coordinator Karpas asked if Commissioner Brandt would like to explain her opposition. Commissioner Brandt said she supported the majority of the ordinance but was opposed to the proposed grade change and felt the permitted increase of three feet should be limited to the foundation and not allowed for the entire lot.

OLD BUSINESS

Discuss – Massing Regulation – continue discussion on the regulation of massing on non-conforming lots in the R-3 District, hear input from local contractors on the Commission's ideas to date.

Zoning Coordinator Karpas said he invited a number of local building professionals to the meeting to discuss their thoughts on the Planning Commission's ideas, more specifically the thought of applying an ordinance similar to that of Greenwood's to non-conforming lots in the R-3 District.

Chairman Werneiwski said he liked the original building plane idea which made sense to him, but he also doesn't mind the Greenwood ordinance. Commissioner Hemink said the only thing the Greenwood ordinance doesn't address is the position of the structure on the lot. Commissioner Linder said the concern has always been with the massing of a structure which he has always believed could be addressed through a regulation of height. He questions whether Greenwood's ordinance expressly addresses that issue.

Commissioner Carlson said an ordinance that includes building envelope and building plane regulations would control height in relation to the setback from the road. Commissioner Brandt noted the Commission has discussed a number of different types of ordinance from various cities and asked if portions could be borrowed from each to craft a new ordinance. Carlson said they are all different enough that it would be very difficult to do so.

Chairman Werneiwski suggested that the Commission hear what those invited had to say.

Mike Sharratt, Sharratt Design, discussed Greenwood's ordinance. He's recently completed two projects in Greenwood and has found the ordinance to be more limiting than what his clients want. He said most cities are trying to control quality by controlling quantity. He described the home he was raised in stating that expectations have changed and people want larger homes and put pressure on architects and builders to design and construct these types of homes. Technically are the proposed restrictions too limiting, no, but no matter what you put in place some people are going to say whatever is built is too big for a particular lot. He said, practically, any constraint can be conquered creatively, noting the city already has a lot of controls within its zoning ordinance. He said the city has to determine what its real goal is. He said a house can currently be constructed entirely within the ordinance requirements and be an abomination, while another home granted variances could fit nicely in a neighborhood.

Commissioner Hemink asked if Mr. Sharratt could give an example of how a city could control quality. Mr. Sharratt said a number of cities have put design guidelines in place, though he's not in favor of such regulations. He noted some of the older, nicer neighborhoods in the metro area are located in cities that currently have design standards which were adopted after they were developed. Had these standards been in place at the time of their development, they would not exist in the manner they do. Commissioner Linder asked about the quality by quantity comment. Mr. Sharratt said the city is looking to have a quality structure that fits into the neighborhood by limiting the quantity of the structure. He said the Greenwood ordinance is quite complicated and requires the numbers to be analyzed by a CAD program. Commissioner Carlson asked if the Greenwood ordinance was in place, would the recent projects proposed by Mr. Sharratt in Deephaven have been in compliance. Mr. Sharratt said the Jewett project would have been, but Ruffino would not have.

Commissioner Brandt asked if the city could accomplish its goal of reducing the impact of mass by merely reducing its height requiring to an overall height. Mr. Sharratt said the current regulation of permitting a height measuring to the average permits a very high structure and allows architects to play a lot of games. He thinks it would be better to have a maximum ridge height rather than lowering the average height. Commissioner Carlson asked if Mr. Sharratt had any thoughts on a reasonable height. Mr. Sharratt said that all depends on where you are measuring from. Commissioner Hemink expressed concern about the ability to construct a reasonable two story home for a family of four.

Mr. Sharratt briefly discussed the angular plane ordinance used by the City of Edina. He said had it been in place earlier, many of their existing neighborhoods could not have been built. Commissioner Carlson discussed his previous thoughts on all plans for development on non-conforming R-3 lots requiring Planning Commission approval whether a variance was required or not. He said in essence it would be a design review process.

Mr. Sharratt said the structure of the current ordinance is good, noting regulations such as Edina's limits the ability to construct a true two story home. The changes he would suggest for the city's ordinance include a height measurement to the ridge and getting rid of the averaging, adding some design feature requirements and requiring the elevations of homes on either side of proposed structures to give context to submittals which is very valuable. Commissioner Brandt said the city wouldn't want to do anything too drastic and has to blend any amendments into the existing ordinance as to not create any aesthetic issues between existing and new structures. Chairman Werneiwski likes the idea of a street view for new projects.

Commissioner Hemink felt it was reasonable to apply design guidelines to projects requiring a variance. He understands the need to obtain a variance if a project exceeds the maximum permitted height requirements he still has an issue with establishing a maximum limit that prohibits the construction of a reasonable home for a family of four. Commissioner Linder noted the Commission was not talking about setting size constraints on all lots in the city, rather those non-conforming lots in the R-3 district. He said people are not given a right to build a big house just because they own property and the city has the right to attach reasonable restrictions including height restrictions. He's supportive of establishing an overall height measurement.

Commissioner McGary said the discussion has evolved over time and has started to become very subjective. Commissioner Onstad agreed and feels the ordinance should have a measurable formula. McGary said his concern with the Greenwood ordinance is it doesn't take into consideration the other regulations included in the zoning ordinance. Zoning Coordinator Karpas said the formula is based on 15,000 square foot lots and the front and side yard setbacks are very similar, while our lake yard and impervious standards are more restrictive and their rear yard setback is more restrictive. He said the numbers could be tweaked to address the slightly larger lot sizes if necessary.

Commissioner Brandt stated she would also see a change in the required side yard setbacks to create a uniform setback on either side, also to create separation between structures.

Jon Monson, Landschute, said he was familiar with Greenwood's code but is more familiar with Minnetonka Beach's encroachment plane requirement. He said as an architect and a builder you want some latitude and when you're working in an existing neighborhood, you want to be a good neighbor. He said the encroachment plane formula is simple; a vertical angle is applied based on the setback of the structure which establishes your maximum structure height. Commissioner Brandt asked if that is based on the existing grade or the proposed grade of the project. Mr. Monson said he was not sure, but it's defined as the base grade in the ordinance. Commissioner Onstad asked if the ordinance established a maximum height. Mr. Monson said it did. Commissioner Hemink noted the height of the structure could increase the greater the setback which would be alright if you capped it with a maximum height requirement. Commissioner Carlson said he believed there were some exceptions for dormers and other design features. Mr. Monson feels the plane ordinance would be more useful for the narrow lots in the city. Commissioner McGary asked how useful it would be on a narrow lot in permitting a second story. Mr. Monson said the ordinance would suggest one would have to build a gabled end. He said the ordinance could be designed around to get a second story.

Commissioner McGary feels the ordinance may be reasonable even on the city's narrowest lots. Commissioner Hemink thinks it could address some of the issues we've had in the past, especially if the ridge height is reduced.

Commissioner Onstad suggested a further reduction in the permitted height if a variance was required. Mr. Monson said height could also be based on the average heights of the homes on either side of a proposed structure. Commissioner Linder felt that may be too restrictive for some properties. Mr. Monson said he didn't disagree with that, but said it would follow the same concept applied by many cities with average lake yard setbacks.

Commissioner Carlson likes the idea of amending the required height based on lot size and requiring the submittal of adjacent structure elevations, even if a variance is not required. Commissioner Hemink was concerned requiring elevations for all projects could be costly. Mr. Sharratt said it could be done without a surveyor. Hemink asked if there should be a threshold set before the requirement kicks in, such as the construction of a new house. He feels it would be excessive to require it for all projects. Mr. Monson believes the benefit to the city outweighs the cost to the applicant. Commissioner Linder questioned the point of the requirement if not part of a variance request since no one will see it outside of the Zoning Coordinator and it will just be filed once the project is completed. Hemink agreed there is no value

without a variance attached to it. Carlson said it would be nice, even with a relatively small project, to see the impact it would have on adjacent properties.

Chairman Werneiwski asked for the Commission's final comments.

Commissioner Onstad thinks the city can work with a plan ordinance since a number can be put to the regulation. He's also supportive of an elevation drawing being required for all requests requiring a variance.

Commissioner McGary doesn't want to limit the ability to build a reasonable home on small lots while still addressing concerns about massing. Mr. Sharratt said architects can design to whatever regulations are developed; the problem is blending the regulations so the new structures aren't in stark contrast with the more recent structures constructed in the community.

Commissioner Linder doesn't doubt that most architects and builders are looking to maintain the character and beauty of the areas in which they are building in, but doubt their clients share that same concern.

Commissioner Brandt discussed changing the ridge height. Mr. Sharratt said he would suggest a graduated ridge height based on lot width, noting most designers would accept the constraints and design around them. Mr. Monson said he doesn't have an issue with a ridge height limit, noting the problem is with permitting an average height measurement. Commissioner Brandt said the proposed ordinance changes would be contrary to what most people are asking for and questioned whether they would be ok with that. Mr. Monson said most people aren't even thinking about that when they come into his office. He said another thing that needs to be considered when thinking about context and scale is the screening existing trees provide, noting the loss of mature trees have a negative impact on the visual massing of a property. Commissioner Brandt agreed saying that, in many cases, the new foliage added to a property is disproportionate to the size of the new structure.

The Commission discussed the next steps. Commission Hemink feels an ordinance should be drafted with a graduated height limitation beginning at an overall height of twenty-eight feet. The Commission agreed this was a good starting point and that additional language should incorporate Minnetonka Beach's encroachment plane ordinance and a further restriction on height for variance requests seeking encroachments into required yards. Commissioner Brandt believes there is a sense of urgency to complete this process in a timely manner.

NEW BUSINESS

Interview Planning Commission Candidates – Interview candidates Brandon Gustafson and Gen McJilton to fill upcoming vacancies on the Commission

Gen McJilton introduced herself. She's been a resident of the city for seventeen years and has worked in the construction field for twenty-five years. Chairman Werneiwski asked what prompted her to apply for the position. She said she knows a member of the Commission who thought her experience would be an asset and she has been interested in serving the city.

Brandon Gustafson has had an interest in construction through his own do it yourself projects and thought his background as a mechanical engineer would be a help to the Commission.

Commissioner Onstad asked the candidates if they had any thoughts about the previous discussion. Brandon Gustafson said he reviewed the Greenwood ordinance in the context of his house and he would have been in compliance, but felt a home's proximity to the lot line is what creates the imposing feeling.

Gen McJilton said it depends on what character the city wants to see. She likes the idea of the ridge line driving the design of a home and supports having an alternate height for properties seeking a setback variance. She also would like to see an alteration in the setback which would center homes onto smaller lots.

Commissioner McGary asked the candidates how they would handle having to tell their friends or neighbors no.

Brandon Gustafson said there would be no problem if the decision was based on the principles set forth in the ordinances. Gen McJilton agreed and said that decisions had to be made in the context of precedent.

Motion by Commissioner Carlson that the City Council appoint Brandon Gustafson and Gen McJilton to serve as Planning Commissioners filling vacancies created by the term expirations of Chairman Bob Werneiwski and Commissioner Walter Linder. The initial terms of the recommended members would begin immediately and expire in April 2016. Commissioner McGary seconded the motion. Motion carried 7-0.

LIAISON REPORT

Council Liaison Gustafson said the Council wanted to extend its gratitude for the years of service Commissioners Linder and Werneiwski put on the Planning Commission. They understand that the job is sometimes very difficult, but feel both did an excellent job.

Gustafson said the Council took action on two variance requests that had been before the Planning Commission, unanimously approve the request to encroach into the lake setback and exceed the maximum permitted impervious surface area for the proposed deck expansion at 20050 Lakeview Avenue. He said the Council did not accept the condition of the Commission that the remainder of the rock be removed due to some concerns about potential drainage issues on the west side of the home. The owner indicated she didn't necessarily like the rock and plastic either, but didn't want to commit to their removal until she was certain about the drainage conditions on the west side of the structure.

He said the Council unanimously approved the variance request to exceed the maximum permitted accessory structure area and accessory structure height for the proposed accessory structure at 18880 Ridgewood Road. The Council felt holding the applicant to typical R-2 requirements when his lot was four times the minimum required lot area was restrictive. The proposed structure had the support of the neighborhood and would not be visible from the street.

ADJOURNMENT

Motion by Werneiwski to adjourn the meeting at 9:05. Commissioner Onstad seconded. Motion carried 7-0.

Respectfully submitted,
Gus Karpas
Zoning Coordinator